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THE
Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XVII.

COMPRISING THE PERIOD
FROM
THE EIGHTEENTH DAY OF MAY
TO
THE TWENTY-FIRST DAY OF JUNE
1810.

LONDON:

PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN; CRADOCK AND JOY;
J. BOOKER; J. BOOTH; J. RICHARDSON; BLACK, PARRY, AND CO.; E. JEFFERY;
J. HATCHARD; J. RIDGWAY; BUDD AND CALKIN; J. RODWELL; R. H. EVANS;
AND
T. C. HANSARD, PRINTER, PETERBOROUGH-COURT, FLEET-STREET.

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privilege which had been called in question, when it was considered that the House of Lords was the most likely to deny the existence of the privilege, if there had been any real doubt about it. Did not this shew, that the existence of this privilege in the House of Commons was unquestionable? Then, as to the objection, with respect to the courts of law, were they so alienated, so utterly unconnected with the ordinary courts of law, that their authority was to go for nothing, when it appeared that those courts had uniformly decided in favour of the existence of the privileges? So far from weakening the foundation of the privilege, the acknowledgment of these most respectable authorities, in his opinion, very much strengthened it. The committee therefore had seen no reason whatever when called upon for their opinion to abstain from stating that, in their judgment, this privilege was connected with the security of the liberties of the subject.

Mr. *Ponsonby* was not in the House when the report was read, but he had heard a part of his hon. and learned friend's speech, and of that, as far as he heard it, he expressed his most unqualified approbation. The hon. gent. who had just sat down, had not, it appeared, understood that speech till a new light had broke in upon him from a consideration of a state of parties; a light which had shewn him that the reason for their not attending the committee was, that they might have something to say against the proceedings of their political adversaries. There was just about as much candour in the observation as there generally was in the remarks of those who boasted that they belonged to no party, and held themselves out superior to all. He (Mr. P.) might say, that there was a set of persons in that House ever balancing between two parties, and watching to see how the subjects brought under discussion would turn, that they might take that side which should appear to be the most popular in the House, and most agreeable to the generality of the members. He might say that the hon. gent. had cautiously refrained from giving his opinion on this subject, till he had pretty well ascertained what were the sentiments on both sides of the House. If he had so spoken of the conduct of the hon. gent. he would have done him injustice; but he certainly was as much exposed to an observation of that kind as those to whom he had chosen to impute improper motives, were exposed to the remarks which he had made. Not having heard the Report read, he could not say whether he should approve of it or not; but he objected to its being printed before it was considered by the House. It might be said, that the House could not be sufficiently masters of its contents to come to the discussion, till it was printed. In ordinary cases he would admit the solidity of that objection, but in this he could not. If it was printed now, it would go to all quarters of the country as fast as the post would carry it, and it would go with a great share of the authority of the House attached to it; whereas, on examination, the House might see reason to dissent from it. He had voted against the appointment of any committee on the subject, though he had been ready and forward in defending the privileges of the House. He hoped, therefore, that the printing would be postponed for three or four days, that some opportunity might be given to the House to ascertain, whether the report was such as it ought to approve.

The *Chancellor of the Exchequer* observed, that the report must be recorded on the Journals—a much more solemn act of the House, than an order to print. If the right hon. gent. had heard the report, he did not think he would have objected to it; and in order to hear it, he had only to desire it to be read again by the clerk. The very object of printing the papers of that House was to give the members an opportunity of judging. The right hon. gent. had said that he approved of the speech of his hon. friend behind him, which was very kind in him, when that speech was founded on a report which the right hon. gent. had acknowledged he had not heard. This, no doubt, proceeded from a sort of kindness entertained for one who generally agreed in opinion with himself. He gave the right hon. gent. full credit for the manner in which he stood up at last in defence of the privileges of the House; but he could not give him credit for being remarkably forward in the cause. With the view which the hon. and learned gent. who began this discussion had, he ought to have come forward a little sooner. His objections to the report were unfounded; but he rejoiced at the alacrity with which that hon, and learned gent. had at length come forward in defence of the privileges of the House. When he found that a great legal authority in that House had objected to the privilege, he ought to have then stood up in its defence. There was no force in the observation, that the committee ought to have confined itself to precedents. They had been expressly directed to give an opinion. But the objection ought to have been made before, if at all; for the committee had, in their former report, given ample notice of the manner in which they intended to proceed in their next. He then contended that the committee had done perfectly right in reporting the admission of the Lords and the decisions of the courts of law. If the opinions of the Lords and the authority of the courts of law had been in opposition to the privilege, and the House, notwithstanding, was convinced of the necessity of its existence, then they ought solely to look to themselves. But when the Lords, in a case of conflict with the House of Commons, admitted the privilege to the extent now claimed, that was surely a most important fact in support of the claim and one fit to be stated. He did not understand that sort of pride, of independence which should induce them to look solely to themselves, when the House of Peers, the courts of law, and all the history of the country, as far as it bore on the question, was in their favour. The objection to reporting on the expediency was equally unfounded. The strongest argument against the privilege was this, that privileges were bounded by their necessity—that this was not necessary, and therefore that it ought not to exist. The committee was therefore called upon to enter into the propriety and expediency of the existence of such a privilege; and having done so, they had only discharged their duty.

Mr. *Lockhart* said, that, in his opinion, the most objectionable passage in the report, was that which had not yet been noticed. He alluded to that part which stated, after citing certain law authorities in favour of their privileges, that "thereby their privileges had been confirmed." This passage he considered so exceptionable and so derogatory from the dignity of that House, that he should vote for referring back the report to the committee.

Lord *Milton* said, that he felt, a good deal, the objection made by his hon. friend who had just sat down, to the report; for, if they went to courts of law for the confirmation of their privileges, they would weaken them in the very act. If they considered the decisions of such courts, when coinciding with their privileges, as a necessary sanction; they must consider such decisions, when made in contradiction to their privileges, a deterioration of them. He thought the entire proceeding derogatory from the dignity and the privileges of the House; they shewed a kind of doubt and apprehension, as if it was necessary that they should be confirmed by other judicatures, instead of being asserted and maintained by their own authority.

Mr. *Whitbread* said, that even without considering whether, as the hon. gent. under the gallery had justly said, the terms of the report were derogatory to the dignity of the House, he would put it to the members of the Committee themselves, whether they would wish it to go to the printer in its present form? He found upon looking over the appendix, that it was not in a state to be intelligible to any printer. There was so many interlineations and erasures, that he did not know how any person could proceed in the undertaking; there were erasures by knife, by pen, and by pencil, in-so-much that it was all irregularity and confusion. He was sure that it was not and could not be the intention of the Committee to mislead the House, or to be guilty of any misquotation, however indirect; but he could not help observing, that the opinion of Lord Chief Justice Wilmot, alluded to in the report, was not cited as an opinion which had never been delivered; it appeared there with all the solemnity and weight of a judgment actually passed, though even he (Mr. W.) uninformed as he was upon such subjects, was perfectly aware that it was an opinion not delivered, but said to have been prepared to be delivered, though in reality, never pronounced. It was, he understood, several years after his death, that it met the light. He would ask, therefore, did the Committee intend that it should be published in this manner? He was sure that they did not, because he was sure that they did not mean to deceive. He denied *in toto* that such a paper could be quoted as true legal authority; or, at least, that it should be considered of equal weight with a judgment actually pronounced in a court of justice. He enumerated several instances of the inaccuracy of the Appendix; in one instance, there appeared the word "analogy" followed by two blank leaves;

in another, there were parts of sentences expunged, leaving parts that were unintelligible behind them. It was surprising that gentlemen sitting in a Committee on such a subject, should come forward to that House, with such a farrago. If a bill was offered in such a state to the Speaker, he would refuse to receive it; so should they refuse this report, if they had any consideration for their own character, or for that of the Committee. He found in one place, that, out of eleven precedents, originally enumerated, five were struck out. In another, all but the dates were erased. In short, he had only to request, that before gentlemen made up their minds to vote for the printing of the report, they would take the trouble to look a little into the intended publication.

Mr. *D. Giddy* said, that the Committee, conceiving that the report would be expected from them very soon, had prepared it with all possible expedition. They had turned over many of the Journals, and collected a number of precedents, from which they were afterwards to make a selection. This necessarily introduced many erasures. However, as they had no choice but to make their report that night, or postpone it till Monday, it appeared to them the better course to deliver it in as it was. If the House agreed to the motion for its being printed, he and the other gentlemen of the Committee would have felt themselves called upon to correct it, which he flattered himself they would have done in such a manner, that it would have reflected no disgrace, either upon them, or upon the House.

Mr. *C. W. Wynn* thought the objections of his hon. friend went, not merely to the form, but to the substance of the report. He admitted that the paper of Lord Chief Justice Wilmot was entitled to great weight, as containing the opinion of a wise and upright man; but he did not think it consistent with the dignity of that House to quote the opinion of any individual, however eminent, in support of their privileges. The authority for them to resort to upon such occasions was the declaration of their predecessors—the decisions of that House. It was not to analogies, therefore, they were to resort; the ground upon which they must stand or fall, was the practice of their ancestors. With respect to the notion of correcting the report previous to its publication, he did not believe that the Committee possessed any such power, unless it was to be recommitted by a vote of that House, which he would propose. He accordingly moved, That the report should be re-committed.

The *Speaker* suggested, that the report should be taken off the table again. It certainly was drawn up in a manner that did not entitle it to be received, and it ought unquestionably to be re-committed.

Sir *S. Romilly* could not think that even if the Committee had a right to defend the privileges of the House by analogies from the courts of law, they were therefore at liberty to quote the private opinion of a judge, which had never been delivered; and which, though previously entertained, was liable to be altered upon consultation with his brethren. He could not but think it right for the Committee to have referred to the decisions of courts of law; but when it asserted that committals for contempt, even by courts of sessions, were not cognizable elsewhere, and supported that doctrine upon authorities, it should give the authorities against it also. The case of Bushell, he considered as most important; In that case, the whole of the jury was committed for having given a verdict contrary to the opinion and direction of the judge. If that jury was committed for contempt, did the committee think that such committal would not have been cognizable in other courts? He concluded with accounting for his not having attended the Committee, by stating that, as he differed in sentiment from those of whom it was composed, and could not have the vanity of expecting that he would be able to alter their sentiments he thought it better to absent himself.

The *Solicitor-General* expressed his regret, that his hon. and learned friend had thought it necessary to absent himself from the committee. It appeared to him, that the best way to arrive at a true judgment in such cases was, by canvassing different opinions. The question upon which the committee was to exercise its judgment and to which to direct its inquiries, was, whether the House had a right to commit for contempt! He regretted it for a most unfortunate circumstance, that his hon. and learned friend, who stood almost alone upon the occasion, should call in question one of the best established principles in that House—a principle which stood upon the united grounds of reason, authority, and analogy. He remembered, upon a late occasion, that his hon. and learned friend had ransacked precedents, not to establish a principle upon their authority, but to shew how little weight precedents should have. He had quoted instances of punishing people, by placing them on horses, with their faces towards the tail, as if that could be a reason for under-rating the force of precedent. What was there censurable, he would ask, in giving such sanction to the privileges of that House? Did not the right hon. gent. opposite (Mr. Ponsonby) quote such authorities, in that speech, which impressed them, at once, with such conviction and delight? No individual instances of bad precedent could be admitted to invalidate the force of rights and privileges, standing upon immemorial usage. But it had been objected, that the opinion of justice Wilmot was not delivered in court; it was true that it was not, but it was nevertheless, no less his opinion, contained in his manuscript, and published by his son. If it did not carry with it all the authority of a judicial decision, it had, at least, as good a right to be quoted, as the opinion of Coke or Blackstone, or any other great man who had written upon the subject without being in the situation to pronounce actual judgment. He hoped that his hon. and learned friend was also singular in his opinion, as to the right of one court to decide upon cases of committal by other courts, for contempt. Bushell's case did not apply, for it was not for contempt; but if it was for contempt, did his hon. and learned friend mean to contend that the committal was cognizable in any other court?

Mr. *Ponsonby* said, that in citing justice Wilmot's opinion, he had previously declared, that it never had been given in judgment; besides he was not aware that the speech of a member of parliament had ever been made the ground of the report of a committee of privileges. The privileges of that House rested upon no other foundation than the law of parliament, and that law was to be learned only in the knowledge of the usage of parliament; reference to the courts below, was referring to that which had nothing to do with the case.

Sir *Thomas Turton* dissented from the propriety of all the proceedings that had been had upon the question. The speech of a right hon. gent. (Mr. Ponsonby) had convinced him that the House ought to appeal to its own authority only; that they ought to have entered no plea, and that it was disgraceful to their journals that they should record upon them that their Speaker had pleaded to such an action, and that the House should request that his Majesty's attorney general should defend them.

The order for laying the Report upon the table was discharged, and the motion that the report be recommitted, was carried without a division.

[Motion for expunging Proceedings relating to Lord Castlereagh.] Lord *Castlereagh* said he was curious to know the nature of the question, whether it so far personally affected him, as to preclude him from the opportunity of being present or taking a share in the discussion?

Lord *A. Hamilton* replied, that his motion was not in the least degree calculated to revive the original question, as affecting the noble lord; this he had been anxious to avoid, and so he had distinctly stated in his notice. His sole object was to propose the erasure from the Journals of Resolutions, which appearing inconsistent with one another were necessarily derogatory from the honour and dignity of the House. Before he proceeded, he would request the Clerk to read the Resolutions in question.—[The Clerk accordingly read the Resolutions, which were those relating to the conduct of lord Castlereagh in the appointment to a writership in India: and also another resolution passed in 1779, respecting the purity of parliament.] The noble lord then proceeded to comment upon the apparent contradiction of those two resolutions, the one of 1779 stated that it was the duty of that House to keep a zealous guard over the purity of election, and to resist invariably all attempts made to violate that purity. The other resolution, after admitting the attempt, proposed, that the House should pass it over, because, though the attempt had been made, it had not been carried into effect. As he had been instrumental in causing the introduction of that resolution, by bringing the case itself before the House, he thought it to be his duty to take the first step in moving, that it be rescinded. He stated that a new æra had commenced at the period of that unfortunate discussion; for, till then, the practice of selling seats in that House, was not only not justified, but had never been avowed —it would have been disorderly for him to have mentioned it. The conduct of the House upon that occasion had, he feared, contributed to sanction the imputations which had since been so liberally cast upon it. The resolution which had been passed upon that occasion, had been since often cast in the teeth of the House—this referred to the resolution considered in itself, but compared with the one of 1779, he thought that they neutralized each other. In the petitions lately presented, the words of one of these resolutions had been cited, and even the quotation of their own resolutions had been urged as an objection to receiving the petitions that quoted them. He next referred to the conduct of gentlemen opposite on former occasions and upon questions affecting the privileges of that House. He instanced the case of Mr. Alexander Davison, who had been prosecuted and confined. He instanced also the case of the Hampshire petition, in which the gentlemen now composing his Majesty's ministers had taken so active a part, in avowed support of the privilege of parliament and the purity of election. Another inconsistency in the practice of those gentlemen, he conceived to be their approving of a criminatory reresolution against lord Chatham, as did the noble lord (Castlereagh), and the right hon. gent. (Mr. Canning), though they acquitted him of any intention to take an unconstitutional course, yet the same gentlemen, together with rest of his Majesty's ministers, had acquitted the noble lord (Castlereagh) on the ground that the intention was not carried into effect. He then concluded with moving, That the said entries be expunged from the Journals.

Lord *Castlereagh* felt himself personally concerned in the question, though the noble lord had thought fit to direct his motion more against the decision of the House than against him. The noble lord could only intend to say the decision the House had come to on his conduct, was one which it was improper for them to come to on one of these two grounds; Either that they were not competent so to decide, or that being at liberty to come to such a decision, they ought not to have come to such a one in his case. In the latter part of his speech, the noble lord had particularly endeavoured to demonstrate to the House that their decision was improper. He had contended that the resolution of 1779 precluded them from going into the circumstances of any case that might come before them of that nature, and only left them to execute the law and inflict the punishment denounced against an offender on the individual accused. If the noble lord had wished his motion not to be of a personal nature, instead of taking the line of conduct he had chosen, he would have brought the standing order under the consideration of the House. He seemed to think they ought not to have the power of judging of the circumstances connected with the case on which they were to pronounce judgment; but that whatever the circumstances annexed to or connected with it might be, they should inflict the punishment due to an offender on the accused individual, even though they should be of opinion that such punishment would be unjustly inflicted. The motion went to attack his conduct indirectly, and call upon him a condemnation, which, under such circumstances, must be more painful than if the motion had been directly brought against him. The decision of the House, on his case, he apprehended, was owing not only to the transaction referred to not having taken place, but from its being their conviction, that under all the circumstances, no criminatory resolution was deserved. The noble lord's wishing to expunge from the Journals, the resolutions of the House, because they contained no censure on him, was wishing them to pass an indirect censure on his conduct, which, in such a case, was most unjust to the individual. If he were to be placed in such a new situation, being in effect again to be put on his trial, he ought to be allowed to give any explanation of his conduct in his power, availing himself of such means as might have grown out of the former discussion. The noble lord, indeed, had professed to have no wish to make the question personal. He could not thank him for his clemency, as he thought the course taken most unjust towards him, and towards the House. Whatever he might have felt had the decision of the House been against him before, he should think himself placed in a more cruel situation now if the motion were carried, as that circumstance would leave the world to impute to him any thing the most corrupt mind could imagine. If the resolutions of the House were expunged now, it would be thought that his conduct merited their censure before. This was the view he took of the question, which, thinking it unjust, he felt it to be his duty humbly to submit to the House.

Lord *Folkestone* was surprised at the observations of the noble lord. Not a word or insinuation had fallen from his noble friend, which could go directly or indirectly to impeach the noble lord. His noble friend had formerly felt himself called on to bring forward a question concerning the noble lord opposite, on which occasion an amendment had been moved by a right hon. gent., then one of the secretaries of state, which had been entered on the Journals. To this resolution, being in complete contradiction to a previous resolution, also on the Journals of the House, frequent allusions had been made in petitions to that House, and it had been repeatedly thrown in their teeth. Captious objections had in consequence been taken to the wording of these petitions, although no notice was taken of the allusions to this more offensive and obnoxious resolution. His noble friend, therefore, came forward to night, not to renew the question in which the noble lord was concerned, but to point out the contradiction, and to move to have the resolution expunged. What attack the noble lord saw in this against him, he could not conceive. It was, no doubt, true that the charge appearing on the face of a report of a committee which remained on the record, his noble friend or any other person might renew the question; but still the noble lord opposite would not be worse; he would only stand on the same ground as before. But still his noble friend had declared, that he had no such intention, and all he wished was to have the resolution expunged as not creditable to the honour or the character of the House. He could not see that there was in this any attack on the noble lord opposite, and he should therefore vote for the motion.

The Hon. *J. W. Ward* said the noble lord who had just sat down, had been pleased to express his surprise that his noble friend (Castlereagh) should have viewed the present motion as an attack upon him. For his own part, he could not forbear from expressing his surprise, that his two noble friends on his side of the House could have viewed it in a different light. After a serious charge had been brought forward against his noble friend, and the House had come to a resolution acquitting him, it was now proposed to expunge that resolution, and yet his noble friend was told that this did not affect him personally. He believed his two noble friends to be sincere in their declarations on this subject; but, at the same time, he could not have supposed it possible that two persons of such good sense as they possessed, should have come to such a conclusion. If any thing new had occurred, he could see some reason for the motion, but there was nothing new to account for it. If it were agreed to, he was convinced it would be found to be a singular instance, nor had it ever yet been attempted to overturn a vote of the House of such a nature, at so recent a date. In the case of Wilkes, no doubt, the resolutions had been expunged, but that was at a considerable interval of time, and by a different parliament. The motion now proposed was neither more nor less than an attempt to try his noble friend twice for the same offence. He did not quite approve of the conduct of his noble friend in the transaction in question, but still he had been tried; the House had expressed their opinion as to his conduct; and he, for one, could not consent that he should be subjected to a second trial.—If the present motion had been brought forward by almost any other person than his noble friend, of whose strict sense of honour and justice he entertained the highest opinion, he should have been led to suppose it something like an attempt to catch at popularity among a class of persons who were pleased to attach to the subject connected with the resolution infinitely too much importance. He should have been almost persuaded to think, that it was an attempt to flatter a certain class of men who wished that House not at all to exist. There was only one change which had taken place, as connected with his noble friend since the resolution, now proposed to be expunged, was passed. On his former trial he was a minister of the crown, which he was not now. And should it be said that that House refused to inflict any punishment on a minister of the crown, but adopted a different and more severe line of proceeding the moment he became a private and unprotected individual?

Mr. *Ord* understood the motion of his noble friend to be founded on generals, totally distinct from the merits of the case of the noble lord. On that ground he should support the motion. He was one of those who had not been so much struck with the enormity of the case as others had been. He, therefore, presumed to hope, that he gave an unprejudiced vote in supporting the present motion, which he did from a conviction of the irreconcileable nature of the resolutions quoted by his noble friend. His noble friend, in bringing forward the present motion, he was convinced, sought only to rescue the House from the unfortunate predicament into which it had fallen, and to wipe out one of the foulest blots that had ever been cast upon them, and which they were obliged to submit to the indignity of having constantly thrown in their teeth.—The question being called for,

Lord *A. Hamilton* rose to reply. He could not but extremely regret that the noble lord opposite should, notwithstanding his declaration to the contrary, have been pleased to conceive that the present motion was at all meant to affect him; or to use his own expression, that he meant to bring him to trial a second time. He had assured the noble lord that such was not his object, and in the course of his statement had carefully avoided any thing that could lead or give colour to such an idea. The noble lord, however, should recollect, that there were other parties besides himself concerned in this question. The dignity of the House of Commons was interested, and it was more becoming to consider the character of the House of Commons than the feelings of the noble lord. The noble lord had attributed to him a desire, by the present motion, to do him injustice, but had not pointed out any other mode by which the stigma of which he complained might be wiped off from the House. His lordship could not help feeling the entry in question most unfortunate and disgraceful to the House; and, if it could not be expunged without seeming to affect the noble lord, must it not be effaced at all, but remain a disgrace and reproach to the House of Commons? No part of his conduct warranted, he presumed to hope, the idea that he could be actuated by personal considerations. His hon. friend (Mr. Ward) therefore had hardly given him credit for his conduct on the present occasion, though he had at the same time been pleased to compliment him. He assured his hon. friend, however, that in such a case he would rather have his censure unaccompanied by his praise. His hon. friend had said, if the motion had come from some other persons he should have conceived it an attempt to catch at popularity. He however, could not forbear being impressed with the idea that his hon. friend himself was, at the moment he was making the observation, much more liable to such an imputation. His hon. friend seemed at that moment to have been engaged in an attempt to catch at popularity—within that House. He could not forbear saying so, feeling how unmerited the reproof was, which he had received from his hon. friend: and that his hon. friend had been successful in his attempt to catch popularity within the House, was to be inferred from the large tribute of praise with which his effort had been crowned. The honour and credit of the House, however, required that this resolution should be expunged. While it remained, it was, to his mind, impossible for the House justly to find fault with any disrespectful impression which might be used against them. When the resolution, on the other hand, should be expunged, a considerable void would be made in the materials, of which such petitions as those which they had lately been accustomed to see were in the use of being composed. When his hon. friend in the only part of his speech properly applying to the question alluded to, the case of Mr. Wilkes, he seemed to have forgotten that a motion for expunging the resolutions in that case had been made at a far more recent date, than the period when they were actually expunged. When the motion to that effect was first proposed, it was treated with more hostility than the motion he had now submitted; and he did not despair of seeing the day when not only the present resolution, but a similar one relating to the Chancellor of the Exchequer entered on the Journals a few days after, should be expunged. If, however, the House were not disposed at present to pay that attention to public opinion he must wait till another parliament. But he submitted to the House whether they did not expose themselves to the worst of all reproach, by not saying that the charge of their being resolved to connive at corruption was untrue, instead of allowing an admission to that effect to remain on their own Journals. He again said, that he had no intention that the noble lord should be twice tried for the same offence; but was it to be maintained, because an individual might feel hurt from an idea that the expunging of certain resolutions conveyed a reflection on him, which, however, was disclaimed by the person proposing the measure, that therefore entries of a discreditable and disgraceful nature to the House must continue on its Journals?

Mr. Ward and Lord Castlereagh explained, disclaiming any idea of imputing any improper motives to the noble mover.—The motion was then put and negatived without a division.

[ROMAN CATHOLIC PETITIONS.] On the motion for a Committee to consider the Roman Catholic Petitions,

Mr. *Grattan* spoke in substance as follows; That he was always happy to keep open a communication between the Parliament and the people, and particularly anxious that an arrangement with the Catholics should be contemplated as practicable; that he stated his intention to rest his motion on two grounds, domestic nomination, and civil capacities; with regard to the former, he considered the proposition as perfectly compatible with the rights of the Catholic church. Domestic nomination, obtained with the consent of the Pope, whether placed in the chapter, or the Catholic bishops, did not affect the Pope's authority of investiture of institution, or any of his spiritual functions: it is what has taken place in most Catholic countries; it has taken place in Protestant ones; it was part of a proposition of the Irish Catholic bishops, in 1799, and it is at present the practical constitution of the Irish Catholic church, for in general the Irish Catholic church nominates. This proposition will be rendered the more necessary if the veto be withheld, otherwise there would be no domestic check on a foreign, and perhaps a French, appointment of Irish bishops. Let me suppose the Pope to be made by Buonaparté, to be a French subject, and to nominate by his direction Catholic bishops for Ireland. If under that circumstance an invasion should happen, I wish to know what would be our situation with French troops and French bishops in our country. The people of England may say to the Irish, follow your faith, we do not understand your religion; but there is one religion which we do understand, and which should be common to both of us, a perpetual separation from the politics of France; this should be our common faith; without it no Protestant is safe, and with it no Catholic is dangerous. The Catholics of Tipperary have answered that call, and agree; the Catholics of Kildare have done the same; the Catholic clergy, on consideration, cannot hesitate, because it is doing no more than has been done, and is now done in Catholic countries, and was proposed in 1799 by themselves.

With regard to the second part of the subject, I beg to premise some general rules. And first, the Legislature has no right (I speak of justice, not power) to make partial laws, or a different code for different parts of the same community. Again, the Legislature cannot, in justice, make arbitrary laws, or disabling statutes on account of accidental differences. Again, the legislature has no right to punish the operations of the mind, for she has no right to know them. Again, the legislature has no right to punish religion, or that relationship which man holds to his God independent of society. In answer to this it is said, that the Catholic code does not come within these descriptions, because the Catholic religion is connected with disaffection. Let us bring the objection to the test, and suppose a Catholic indicted for treason, and that the counsel for the prosecution tendered in proof, that he had committed the offences which the disqualifying oath abjures; namely, that he paid adoration to the Virgin Mary, received the wafer as the real presence, and considered the Pope as the best interpreter of the scriptures. Let me suppose the counsel, derided for such an attempt, should make another essay, and tender, as evidence of treason, the canons of the council of Lateran. Such an advocate would be laughed out of Westminster Hall; or the judge, who suffered such evidence to go to a jury, would be removed and punished; and yet this very evidence, for the tender of which against a single man a lawyer would be scorned and for the admission of which a judge would be punished, is the ground on which we impose a code of disabilities, not on an individual, but on the fourth part of the community and their generation.

I will abridge the charge against the Catholics: it is nearly as follows; namely, that they believe that the Pope has a deposing power—has, in this country, a temporal power; that they hold the doctrine of, 'no faith with heretics;' that they believe that the Pope is infallible; that they hold that he has a power to absolve from moral obligation; and that they are hostile to the establishments in church, state and property.

To establish this monstrous libel, the framers have brought no proof whatever; and to disestablish these charges, are given three answers: 1st, the reply of the six universities; 2dly, the oath of the Catholics; and 3dly, the impossibility of the truth of the charges. With regard to the universities, three questions were proposed; namely, whether the Pope or cardinals had, in these countries, any temporal power? whether they had a deposing power? and, whether the Catholic church maintained that with relation to heretics no faith was to be regarded? The six universities (those of Salamanca, Louvain, Paris, Valadolid, Douar, and Alcala) distinctly and indignantly answer, that the Pope and cardinals have, in these countries, no temporal power—have no deposing power; and that the supposition of the doctrine of no faith with heretics, is equally false, injurious, and abominable.

The second answer to the charges is the oath of 1793, proposed and enacted by the Irish parliament, which abjures the temporal power of the pope, his dispensing power, the doctrine of no faith with heretics; abjures the pope's infallibility, as an article of the Catholic faith; and swears the Catholic to the support of the Protestant state, church, and property. This oath has been taken by the Catholics generally, and is conclusive on the Protestant who made it, a test of his affection, and on the Catholic, by whom that test has been taken.

The third answer regards the impossibility of the truth of the charges; for they amount to a criminality, which would have rendered the Catholic incapable of civil government or foreign relationship; it amounts to a transfer of allegiance, and a dissolution of the elements of human society. The existence of society, and of government, in Catholic nations, is the practical answer. But there is another answer, more conclusive and authoritative; that is to say, that the charge is irreconcilable to the truth of the Christian religion: it supposes the Catholic to be more depraved than either pagan or idolater. But the Catholics are by far the majority of the Christians; it would follow, that the majority of the worshippers of Christ are worse than the worshippers of Jove, or of Mahomed. But that is not all; they are, according to this charge, rendered thus execrable by their religion; it would follow, that the design of Christianity had been defeated; that omniscience had been blind, omnipotence baffled; and, that what we call redemption, was the increase of sin and decrease of salvation: that is to say, that the Christian religion is not divine. They who make the charge, must therefore abandon their argument or their religion. No, it is replied, it is not the Catholic religion, but the Irish Catholic, we object to. What will an Irishman say to this? will he become a false witness against his country? Well, according to this, the religion is acquitted, and we must search for the source of censure in physical or moral causes. But there is no physical cause producing moral depravity: God punishes, but he does not corrupt. We have no idea of a moral pestilence, least of all of a party plague, which should visit the house of the Catholic, and obediently retire from that of the Protestant, living in the same vicinity: such a supposition is nonsense. The cause cannot be physical, it must be moral, therefore; that is to say, it must be the laws: it cannot be wealth that has caused this perversity in Ireland, it must be the penal laws and penal government.

It seems, then, the charge goes not against the Catholics, but against your system of governing them; and pronounces, that you have been in possession of Ireland for 500 years, and that the result of your connection has been, the unparalleled depravity of the inhabitants. However untrue the charge may be, the general system is the ground of it; it is the ground of whatever alienation towards this country may be supposed to harbour in the minds of the Irish Catholics: or do you suppose it is the soil of Ireland, or the air, or the Eucharist, that produce that conclusion: and not the laws, that took from the Catholics their land, their arms, and their civil liberty. The laws, or the penal system, are a partial attainder of the people in mass, not on account of acts, but on an allegation of character; which character is not proved, is not true, and has no possibility of truth, except such as may arise from oppression.

I conclude this part of the subject by observing that there is nothing either in the Catholic religion, or in the composition of the Irish Catholics, that warrants the objection. We are told we are to look for that objection in the fundamental laws of England, and in the oath of the king. It is late, very late, to tell us this; before the Union we should have known it. What, have you taken away the Irish parliament, and then do you tell the Irish Catholics that by the fundamental laws of the land, they must be excluded from yours; did Mr. Pitt think thus when he held out that expectation; did his cabinet?—Come let us examine the laws alluded to; namely, the declaration of right, and the limitation of the descent of the crown; I bow to these sacred instruments. The declaration of right, it is a modest document of intelligible liberty, is founded on two great propositions, that civil and religious liberty is the inheritance of the people.—2d. That the violation of this inheritance is a forfeiture of the crown. I see here no Catholic disability, we will send for the other great instrument, the limitation of the crown, it is a limitation of the crown to certain descriptions of persons being Protestants, in consequence of a forfeiture by the preceding family, incurred for the attempt to take from the subject his civil and religious liberty. The objection suggests, that the words 'being Protestant,' import not merely that no Catholic should be a king, but that no Catholic should be a free subject; and that being rendered incapable of the crown, the Catholics were *ex vi fermene*, rendered incapable of enjoying civil capacities. This interpretation I submit to be inadmissible; it raises a code of disability by implication; it confounds two powers which are essentially distinct; the power of limiting the descent of the crown, and a power of destoying the inheritance of the people. It makes the act of settlement, with regard to the Catholic and his posterity, commit the very violation for which it deprives the house of Stuart of the throne, and at once transfers his allegiance and takes away his birthright.

I do acknowledge that the oath taken by members serving in parliament, is a part of the act, but I deny it to be a fundamental part thereof. 1st, Because the fundamental parts of that act are the rights of the subjects, but the clauses setting forth their rights are only declaratory of the subjects' rights, obtained by your Catholic ancestors, and therefore cannot contain any thing against the civil rights of their posterity. Again I beg to observe that the oath in question has no connection with any of those rights, either in time or principle, but was introduced in the 30th of Charles the II. at the time of the invention of the Catholic plot, and founded on the temper and fury of that time. The Catholic plot was a fabrication; the executions under the pretence of that plot were murders, the disqualifying oath was the companion of that fabrication and those murders, dictated by the same spirit and in the same fury. I therefore submit, that the disqualifying oath is no part of the fundamental laws of England.

The next objection is to be found in the oath of the King. The words on which the objection is raised are, "I will preserve the Protestant reformed religion, as by law established." The comment is, that by law established is meant law not to be altered; and that any alteration of that law, to favour the Catholic, would endanger the Protestant church. This interpretation, in every shape and reference, I hold to be destitute of reason and justice: it supposes the King to be sworn in his legislative capacity, which is a false supposition; it supposes the oath of the King to be intended as a check on the advice of his two houses of parliament—another false supposition; it supposes the laws regarding the different religions in these countries to be, what indeed the rights of the people are, and what laws (except such as are declaratory of those rights) cannot be, irrevocable. A proviso in a statute, that a law should not be repealed, is void; the legislature has not the power to make it. The comment inverts the order of things: it makes rights revocable, and penalties everlasting. Further, this comment takes from the jurisdiction of parliament the whole code of laws respecting the different religions that exist in the kingdom, and of course disinherits the legislature of its supreme power. Further, it supposes the Protestant church to rest on pains and penalties inflicted on the professors of another religion; that is to say, it rests the word of God on an act of power, and makes what is a scandal to religion the support of the church. And finally, it supposes the chief magistate to have made a covenant against the civil liberties of a great portion of his subjects, and to have called on his God to witness the horrid obligation.

I need not observe how often and how meritoriously the oath, as so interpreted, has been violated; but I beg to remind the House, that the strong acts against the Catholics were passed after this oath was prescribed, namely, in the reign of Anne; and then the interpretation must be, "I will preserve the law regarding the church, not unaltered, but unmitigated." And then the comment on the oath amounts to this—That the King is sworn, not only against the franchises of his people, but the mildness of his religion. Here, then, are produced against the Catholic claims two oaths: the one founded on the madness of the time; the other, on an interpretation which supposes the king of a free government and a merciful faith to have sworn against the freedom of his subjects and the merciful quality of his religion. We are, however, stopped in this argument by two paradoxes: 1st, That the Catholics do not desire civil rights; 2dly, That they do not desire equality. We are told this without evidence, against the evidence of innumerable petitions, and against the natural feelings of men. Let us try that argument on ourselves: let us propose to the Protestants to renounce their employments, and to give up their seats in parliament—what say you? Am I to understand, then, that the Catholic spirit is broken, and that our penal code has robbed them of moral elevation. It is added, franchises would be of no use to them; and that they are too poor and miserable to avail themselves of civil capacities; that is to say to them, we have destroyed your fortunes, we have broken your hearts, and all we now expect is, that you will lay down your lives in our service. Sir, the laws have not been so bad as this would made them: the laws and the government have destroyed neither the spirit nor the property of the Catholic. The Catholics do, I believe, most exceedingly wish for the franchises in question, and are rich enough and able enough to make use of them. The landed interest of the Catholics is considerable: do you imagine that interest does not feel the exclusion from parliament, and from the State? The commercial interest is considerable! do you imagine that interest does not feel the exclusion from the bank—from the corporations? The commonalty—the peasantry; do you imagine they do not sympathize with their faternity? do you imagine they do not feel for themselves—not feel the torrents of abuse uttered against them and their brethren? When gentlemen talked of asking the peasant, whether he cared for emancipation, they used a phrase which he would not have understood; but if you had asked him, Whether he felt the distinction made between the Protestant and the Catholic? he would have given a rapid answer in the affirmative; and he would have been able to explain that answer, by reciting his sufferings: In short, he cannot be a chancellor, perhaps, but the peasant can be a man; and the law which blemishes his community, and sets another sect over him, degrades him from that station. Repeal the law, and you restore him to his place: you give to the Catholic peasant, protection—to the Catholic gentleman, hope—and to yourselves, a people.

I have more objections to this argument: it is a contumelious way of talking to your fellow-subjects, as if they were of a different and inferior nature; and it is also an injurious way of talking; for in teaching them, you teach yourselves to depreciate the value of your own franchises; and you become an apostle preaching against your own liberties, and sophisticate yourself out of the passions by which those liberties are to be defended.

But we are told that all this supposition of Catholic indifference is a mistake, and that instead of this, the Catholics do most ardently desire situations in parliament and in the state; and that they would use both to overturn the settlement of property, and the establishment of the church. I do allow self defence to be a legitimate cause of restriction; but the danger must be evident. Let us investigate the danger. Ere that the Catholics can by a law repeal the settlement of property, they must be the parliament. Let us suppose that difficulty overcome, and let us consider how that parliament would act on property. First, that parliament must possess the property of the country, otherwise it could not be the parliament. Again, the Catholics have made great purchases since 1778, founded on Protestant titles; and the Catholic tenantry hold under Protestant landlords, in a very great extent: the bulk, therefore, of Catholic property, depends on Protestant titles. The danger alleged arises, then, from two impossibilities:—1st, that the Catholics will be the parliament; 2ndly, That they will then use their power to destroy their property. I do not ask whether this danger be possible, but I ask whether it be that imminent and obvious danger which can justify us to take away the franchise of the Catholic, to endanger our own, and to make the inheritance of our property incompatible with the freedom of our fellow subjects. Let us reduce our policy to an act of parliament, and make our situation the recital of the statute—it would run thus: Whereas the different powers of the continent of Europe have yielded to France, and whereas we have no support but in the people of these islands; be it enacted that one fourth of the same be disqualified! Or, let us suppose a ship of war at sea, with the French in view, and that before the engagement some learned gentleman should desire to speak to the captain, and should address him as follows: Sir, one hundred years ago, the Papists fought against us at the Boyne—four hundred years ago, the Papists broke the passport of John Huss; and six hundred years ago the Papists voted the cannons of Lateran, and denounced the Albigenses—numbers of your seamen are Papists, and, therefore, for the safety of the ship, throw the crew overboard.—These islands are that vessel—the ark in the French deluge—in it the living creatures, not yet swallowed up by France, are assembled, and you propose, by your penal code, to make them drown one another.

As to the danger of religion, that danger, like the other, stands without proof. Let us contemplate the state of the church, and then let us speak of its danger; The Protestant church is the established church of Ireland, the people Catholic, that Catholic people pay that church: the objection is, a proposition that we should disfranchise those Catholics, the better to secure their payment of that church. It is a proposition in breach of a moral duty, against the people by whom the church is paid, and the principles of that religion for which that church is supported: it is a proposition that sacrifices to the imaginary danger of the ecclesiastical establishment, not only the people, but the Deity—that is, his attributes; and supposes that holy and pious corporation to do what it could not conceive, still less perpetrate, to shoulder God out of the church, and the people out of the constitution. Let us try the sanctity of this policy by making it part of our prayers, and let us suppose a clergyman thus to recite the christian duties, saying, Do as you would be done by, love your enemies, love your neighbours as yourselves, and so may God incline your hearts to disfranchise one another. I am not surprised that a philosopher should have rested the world on an elephant, but I am surprised that you should laugh at that philosopher, and should exceed his folly, and rest not the globe, but the Maker of it, on the mischief we do one another, and should think it necessary to crutch up omnipotence by penal laws, and should contemplate the Deity as a petty potentate of a subsidized dominion; some Italian prince, or German duke, kept alive by act of parliament. The elephant, the tortoise, and the two oaths—give us them, and all is safe, the creation and the creator; take them away, and down goes the universe: See the united wisdom of the old sage, and the modern politician. The refusal rests on six wicked propositions:

1st. That the majority of the followers of Christ, are the worst of the human species, and that they are rendered thus bad by their religion.

2nd, That the result of the British government in Ireland, has been the unqualified depravity of her inhabitants.

3rd, That the fundamental laws of England are incompatible with the civil privileges of the majority of the Irish.

4th, That their first magistrate is sworn against their rights.

5th, That the Protestants of Ireland have gotten a great proportion of her land, and should therefore disqualify a great proportion of her people.

6th, That the Protestant church is paid in a great proportion by the Catholics, and should, for that reason, deprive them of their civil privileges.

On the truth of such monstrous propositions, it is supposed we are warranted to commit, on the principles of law, four capital violations; namely, to continue laws which are partial laws, laws that are arbitrary, laws that punish opinions, and laws that punish religion. Six monstrous propositions, and four palpable violations, to do what? to ruin your empire: for what else but ruin is that policy which divides your people in the face of your enemy? But if gentlemen think this policy, and if you were to send to hell for principles, or to Bedlam for discretion, you would not find worse: Wise and virtuous in theory, see what it has proved to be in practice; let us see what it has done in Ireland. The close of the 17th century was the commencement of the penal code; that was the age in which a law passed in England to deprive Ireland of her trade, to prohibit in Ireland the export of her woollen trade; that was the age in which a law passed in England to subject the Irish, concerned in that export, to be taken from Ireland and tried, fined, and confined in England; that was the age in which a bill passed to deprive the Irish lords of their judicature, and to establish the power of the British parliament to make law for Ireland.

Having thus disposed of her liberty,

see the effect of this policy on her fortunes. After an experiment of near eighty years (a time long enough for the exercise of all its virtues), that is, about 1779, the people and the government were both ruined. The Irish government could not pay its establishments—its establishment at that time was remarkably low, for 4,000 of our troops were taken off the Irish list. The Irish government could not pay that reduced establishment; the Irish government borrowed 50,000*l.* from England, to sustain itself; the Irish government borrowed 20,000*l.* from a private gentleman of that country, to give the army bread; the Irish government consult the commissioners of the revenue in that distress; the commissioners answer—their answer is remarkable: to a question put by the government touching the cause of our distress, they reply, that among other causes, one was to be found in the following fact, namely, that the Irish had ceased to quit the country, and that the American war had stopped emigration. The cause was as the commissioners had mentioned: we could not feed our inhabitants, and we banished them; we were restrained from the export of our manufactures, and we found relief by exporting our people. The Irish government then assemble the Irish parliament; the parliament reply, that nothing but a free trade could save the nation from impending ruin—a nation possessed of above seventeen millions of acres, a temperate climate, a fertile soil, without the visitation of plague, pestilence or famine, and without any enemy in the country except her laws, precipitated on immediate ruin! Such were the effects of the penal code and its concomitants, or rather such were the judgments of God on the land that had passed such a code—judgments inflicted by her Maker, and declared by her parliament.

Turn now to the age of the repeal of those laws. It began in 1778; about that time, when every other country advanced in riches, ours had come on so slowly, as not to be able to support her government, or feed her people. The repeal began in 1778; the system had been attacked before. My old and inestimable friend, sir Hercules Langrishe, had (Mr. Burke, with truth, observes) thrown his youthful spear at the horrid fabric—he had refused to pay adoration to the demon that resided therein, and had unsainted the diabolical spirit in his own pandæmonium; but the great assault, in which he took a leading part, was in 1778 and 1782: the rights of property and the rights of religion were then in a great measure restored. The grant fell short; but the gratitude of the Catholics at that time out ran the provisions of the statutes, gave the parliament a credit for a future complete emancipation, and the country the strength of complete unanimity.

That was the age of the repeal of the penal code, and in that age the personal liberty of the subject was secured by an habeas corpus act; the justice of the country was secured by a judges' bill (they held their offices before during pleasure); the army of the country was made parliamentary by an Irish mutiny bill—it had been before imposed on the country without law, and against it; the revenues of the country were made annual—they had been, in a great proportion, the perpetual inheritance of the crown; the trade of the country became free—it had been before, by English acts, restrained and annihilated; the trade of the country with the British colonies became open and direct—it had been, in the essential articles, interdicted; the power of the English privy council, to originate and alter Irish bills, was annihilated; the power of the Irish privy council, to alter, originate, and suppress Irish bills, was annihilated; the power of the courts of England, to try Irish appeals, was annihilated; the power of the British parliament, to make law for Ireland, was relinquished; the power of the Irish parliament, who before could only originate petitions, not bills, was restored in full, complete, and exclusive authority.

Nor were these acquisitions a barren liberty. The exports of Ireland increased above one half; her population near a third; and her agriculture, that was not before able to feed a smaller number of inhabitants (for we were fed by corn from England), supplied an increased population of one million, and sent a redundancy to Great Britain. The courtier was astonished—he had contemplated such prospects as the frenzy of the enthusiast, he read that frenzy registered in the public accounts.

Nor was all this wealth slow in coming. The nation started into manhood at once; young Ireland came forth like a giant, rejoicing in her strength. In less than ten years was this increase accomplished: in 1782 we exported 3,300,000—in 1792, what would now be valued at near 11,000,000—in 1784, 24,000,000 of yards of linen—and in 1792, 45,000,000 of yards of linen. Public prosperity so crowded on the heel of the statute, that the powers of nature seemed to stand at the right-hand of parliament.

The leading causes of this were as evident as the fact: the country became cultivated, because the laws that deprived the catholic of an interest in the soil were repealed, and an opportunity was given to the operation of her corn laws; her trade increased, because the prohibitions on her trade were removed; and the prohibitions were removed, because she asserted her liberty; and she asserted her liberty, because she suspended her religious animosity. Unanimity shut the gates of strife, and Providence opened the gates of commerce. Providence had whipped the country, through a century, with her own acts of parliament, and blessed her on the repeal of them; and so connected were the penal laws and the poverty—the crime and the punishment, that it did not seem to be a series of cause and effect; but a superior power standing in the island, visible, inflicting with its lash and exhorting with its bounty, and suggesting, by the indelible lessons of woe and weal, to my country how to get her liberty, and yours how to secure her empire.

I have drawn example from my own country; I pass over others: I might—I do not detail the gloomy catalogue of despotic governments, whose yoke has been established by religious discord; or of empires, like that of the Greeks, erased; or of nations, like your own at certain periods, stung to madness by that inexorable fury. I avoid the dungeon of theology, the mad-house of casuistry, and the noisy tribe of the sectarians; nor do I dwell on their bookish ignorance, and their vulgar turbulence, nor tell with what fury they fought, with what feebleness they reasoned; and how they ever abused their victories over each other; trampled on one another's liberty, abandoned their own; forgot their God, and sated the wildest revenge with all the spiteful cant of hypocritical devotion.—They did not want their king-cry, and their church-cry, nor any of that public rant, with which, for political purpose, the public cheat panders the name of his Maker. I pass over the contentious part of the history of my own country; the ashes are yet warm, and I fear to tread on those perilous materials, or to re-kindle flame in a country where oblivion is patriotism, and concord is salvation; doubting whether I possess the good qualities, certain that I share all the infirmities of my nation, I have no right, in another country, to criticise my own, but am obliged by duty, and led by inclination, to defend her—protestant and catholic without distinction, and with unabated fidelity. Sufficient to say, that in her religious contests the different partizans did what all religious partizans ever do, they abused their victory, and they paid the penalty; the catholics lost their land, the protestants lost their liberty, and both a free constitution. The times I allude to are past, the religious spirit that inflamed them is past, Bellona has recalled her learned gentlemen of much theology, and much metaphysics—Bedlam has shut her gates upon them—Bigotry is now no more than a spent fury. Three hundred years have been sufficient to subdue one miserable madness; the great bodies and establishments that formerly petitioned against the catholics, have either recalled their thunder, or expressed their approbation. There is not, on your table, a single petition against the catholics, the city of London has not stirred; the city of Dublin has rejected an anticatholic address; the university of Dublin has done the same; a great northern protestant county in Ireland has passed resolutions in their favour: the university of Oxford, in her late distinguished appointment, has marked her approbation of the principles of civil and religious liberty; your pulpit resounds with strains the most liberal, in lessons equally brilliant and profound; the mitre is placable—we recognize, with gratitude, the genuine majesty of the christian religion: You yourselves, your government and parliament, have led the way. In 1709 you set up the popedom; 1791 you established popery in North America; in 1808, you conveyed the catholic religion, with all its rites and ceremonies, to South America. In 1809, you sent to Spain and Portugal two armies, to support in both, and in full power, the splendour and the rights of the Romish church. You employed Irishmen and Irish money in these expeditions, and will you now disqualify the Irish for popery. France out of the question, there is not a catholic on the globe whom you have not embraced, except your fellow subjects. To that embrace I now recommend you.

The right hon. gent. concluded with moving, "That the said petitions be referred to a Committee."

Sir *J. C. Hippesley* * rose, to second the motion of his right hon. friend. He observed, that, called upon as he had been, he felt himself constrained to bespeak the patience of the House, to a greater extent, he feared, than was suited to so late an hour. The subject naturally branched itself into distinct heads, which might be more advantageously discussed in a committee than under the present form of the House;—but he was not so sanguine as to anticipate that a committee would be conceded: and, as his right hon. friend had left so little to be added in point of argument, after the brilliant and powerful appeals he had made to the House upon former occasions, as well as on the present, it would be highly presumptuous to attempt to follow his example. The question had been introduced to their consideration with every advantage which most powerful talents and impressive energy of language could give; and he should certainly avoid every endeavour to add further interest, by declamation, on a subject to which the feelings of the House had been so strongly excited.

The course of sir J. H. proposed to take, with the indulgence of the House, was one derived more immediately from his own experience, and consistent with that peculiar combination of circumstances and events, which had probably induced his right hon. friend to make that reference which it now became his duty to meet; a duty no less urgent with regard to those friends who had made such sacrifices in support of this great question, at an antecedent period, than to the claims of several millions of our fellow-subjects; and especially of those among them to whose valour we were constrained to resort for the preservation of all that was dear to us; but from whom, nevertheless, we withheld the participation and enjoyment of franchises which are the birthright of every loyal subject under a free constitution, and which cannot, in common justice, or upon any sound principle of politics or morals, be refused to men that are deemed worthy of being called forth in defence of the general security of the state.

That the Catholics, whose claims, are now before the House, "ought to be considered as good and loyal subjects of his Majesty, his crown, and government," has been generally and repeatedly declared by successive acts of the legislature *; and another great truth is no less inculcated—"that it must tend to the prosperity and strength of his Majesty's dominions; that his subjects, of all denominations, should enjoy the blessings of our free constitution, and should be bound to each other by mutual interest and affection †." But it is a melancholy fact, that these salutary objects have been very little advanced; though it is certain that every inference which can be drawn from the most incontrovertible documents and from experience, ought to have tended to cultivate and strengthen the growth of such a wise and just policy. Sir J. H. considered it to have been the object of his right hon. friend, in calling upon him, that he should state to the House some facts with which he had been intimately concerned, and further to substantiate the causes why so little had been effected; and he flattered himself that he was competent to adduce such collateral evidence as would place the subject in a clear light.

He lamented that a part of the Roman Catholic community had, by their own acts and declarations, since the period of the last discussion of this subject in the House, not a little contributed to produce unseasonable impressions in the minds of such as had but little examined the question, and were content to rest their opinions upon the basis of an antiquated, though honest prejudice. The conduct of certain Roman Catholic prelates, since the period just mentioned,—and the obloquy cast by many individual writers, professing themselves, Catholics, upon the conduct of those parliamentary friends who have invariably sought the interests and aggrandisement of the United Kingdom, by endeavouring to promote the honour and advantages of their Catholic fellow-subjects, had naturally strengthened that original prejudice. But the cause in agitation is not merely that of an insulated part of the community; it is the cause of the whole state; the aggregate strength of the empire, the vital organs of its power, and the consolidation of all its physical and moral energies, are at stake!

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* From the original edition, printed for J. Faulder, Bond Street.

* Particularly the preambles of 31 Geo. 3, c. 32; 33 Geo. 3, c. 44; also 21 and 22 Geo. 3, c. 24, &c. &c. &c.

† Pream. 9, Irish act, 1778.

and these at a moment, "when," as the right hon. mover had, on a former occasion, observed, "all Europe is arrayed in battalion against us!"

The proceedings and animadversions connected with, what is styled, the Veto, or the proposed negative power of the crown upon the appointment of the prelates of the Roman Catholic church, have principally tended to check the growing progress of a favourable disposition in the public mind to the prayer of the petitioners. A reference to the documents resulting from the voluntary acts of the Roman Catholic prelates of Ireland, and to some of the animadversions of their numerous commentators, cannot fail to demonstrate how far the plainest facts are susceptible of perversion, and how little ground any description of the Catholic body have to accuse their parliamentary friends of originating a measure (whether from ignorance or design) tending to impose upon their church an injurious innovation of their essential discipline.

Nevertheless, from a period commencing about two months after the motion made by his right hon. friend in this House, on the 25th of May, 1808, down to the present hour, the Irish press has poured forth, in rapid succession, the most unqualified calumnies against those who had favoured a measure, which in fact had its origin with the four metropolitan and six other senior prelates of the Roman Catholic communion in Ireland. The last, though not the least injurious and unmerited attack of this description, which is confidently stated to have issued from the pen of a Roman Catholic prelate of Ireland, is addressed to the right hon. member for the county of Kerry:* "The pretended necessity for a veto, I consider," (says the writer,) "is a stale trick—a mere finesse to cozen Catholics out of their religion; a manœuvre, to effect, by intrigue and cunning, what the most persecuting laws were unable to bring about; it is holding out an insidious flag of truce, to betray the garrison, and take it by surprise:—but the Irish are clear-sighted, and though, from nature, they are generous and unsuspicious, they now have had sufficient experience to teach them to the contrary."—Could this prelate be really ignorant of the origin of that very measure which he thus deprecates?—Could he be ignorant that the ten senior prelates of his own order, comprehending the four titular archbishops, in the month of January 1799, solemnly resolved, that "such interference of government as may enable it to be satisfied of the loyalty of the person appointed is just, and ought to be acceded to?" And further, "that, to give this principle its full operation," themselves laid down the details of the elections of their bishops; and proposed that the person so elected was to be presented to government, and that, if he were objected to, the electors were to proceed to the election of another candidate? Could he be ignorant that those prelates appointed a committee of three of their appointed body, to transact all business with government, "relative to the said proposal, under the substance of the regulations agreed on and subscribed by them?" and the proposed resolutions of the 17th, 18th, and 19th January, 1799, were transmitted to the lord-lieutenant, and to the king's ministers? Such were the facts! True it is that those resolutions were not acted upon, for they were to be practically concurrent with a proposal which had been made to the prelates, namely, that of an independent state-provision for the clergy of Ireland; and the prelates had resolved, that "such a provision, through government, competent and secured, ought to be thankfully accepted."* Circumstances had intervened which impeded the execution of that great and just measure, which was then avowed to be in the contemplation of government. Whether the ministers were sincere in their declarations, is not the present object of inquiry, nor is it material; it is certain that the presumption is in their favour. They avowed that the "obstacles to the bringing forward measures of concession to the Catholic body were insurmountable whilst in office, and that they felt it impossible to continue in administration under the inability to propose it, with the circumstances necessary to carry the measure, with all its advantages."* They made the sacrifice of their offices to their opinions, which may be considered as no light test of ministerial sincerity.

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* Published in the Kerry Herald, dated 26th of April 1810, signed, A Catholic Clergyman.

* A doubt, at that period, had been entertained, whether the see of Rome might not object to such a provision, as conveying an impression unfavourable to the independence of the Irish Roman Catholic church. The Roman Catholic bishops in Scotland had, at the same period, solicited such a provision in aid of the miserable pittance left to them and their clergy after the confiscation of their property on the continent. Mr. Pitt lent a compassionate ear to their distresses, and the sentiments of the see of Rome are expressed in the following official note, under the signature of the Cardinal Borgia, prefect of the college of Propaganda Fide, countersigned by Cardinal Brancadoro, then secretary.

(Copy.) "Da Monsigr. Moylan Vescovo di Cork in Irlanda, il quale hà costì goduto l'onore di trattare con V. S. Illma, e con i degni Ministri di Sua Maestà Brittannica sopra gli affari dèi nostri Cattolici, sono stato ragguagliato di quanto. Ella siasè impegnata a proteggerli; e come sia le'

But to return to the resolutions of the Roman Catholic prelates in 1799: we have been lately told that they passed, "when the reign of terror was still breathing," by "practising upon fear and solitude;" and were "concerted with little less than a menace," and that "a pension to our clergy was the preamble of the written concession."† A learned Roman Catholic prelate on this side of the channel, who has recently published "An elucidation of the Veto," assuming as his motto,

> ——Quæque ipse miserrima vidi,
> Et quorum pars magna fui,

describes his constituent prelates, at the period in question, as "beset and plied" by the then minister of Ireland; and as having been "led to believe that their church would not only be protected and honoured, but also that it would, in a sort of subordinate way, become the established church of Ireland:" and, "under this persuasion, these ten prelates admitted, that, in the appointment of the prelates of the Roman Catholic religion to vacant sees, such interference of government as may enable it to be satisfied of the loyalty of persons appointed, is just and ought to be acceded to," &c. &c.

Now, with respect to the fact of those resolutions having been influenced by a reign of terror and dictated by menace, the noble viscount (lord Castlereagh) on the opposite bench, who is the ex-minister alluded to, is most competent to speak; and should any circumstance, connected with the transactions of the government of Ireland of that period, be mis-stated by sir J. H. it would be subject to the correction of that noble lord, with whom, during the whole of these transactions, he had maintained a confidential correspondence, particularly at the instance of the minister of the department* the continuation of which was repeatedly solicited by the noble viscount himself. [Here lord Castlereagh was observed to nod his assent.] Sir J. H. continued.—That he could, from these circumstances, speak with greater confidence respecting the measures then in the contemplation of government, many of which had been suggested by himself, and approved by his Majesty's ministers; nor was he less in familiar habits of correspondence, at the same period, with some of the most eminent prelates, who were parties to those resolutions, and were fully apprised of the situation in which he stood with the King's ministers. Nothing could be more strongly marked in their correspondence, than their unqualified reliance on the honour of those ministers; their communications with the castle were unembarrassed by apprehensions, if any faith is to be reposed in their statements; and an apparent reciprocal friendly understanding was the basis of all their proceedings.

But we will suppose that it was otherwise, and that terror had been the order of the day: what different qualities then

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ben' anche riuscito di ottenere un' onesta privisione per i Vicarj Apostolici, e Clero Cattolico di Scozia: Opera tutta del suo grande animo e zelo senza pari, degno perciò dei piu vivi ringraziamenti! Il Santo Padre, questa Sac: Congregazione, ed Io, che vi presiedo in qualità di Pro-Prefetto ce ne nostriamo tutti sensibilissimi: ond' è, che pregandolo in commun nome a continuarne anche in appresso la protezione; ed esibendoci pronti a poterle corrispondere per si segnalati favori in qualunque incontro de suoi desiderj, do vero cuore me le offero, e resto. Servitore, &c.—S. Carde. Borgia Pro-Prefetto. — Cesare Arcivo. di Nisibi.—Roma 26 Luglio 1800.—Di V. S. Illma.—Sigr. Cavre. Hippisley (Londra.)

* Vide the notes transmitted by marquis Cornwallis to Dr. Troy, in Mr. Plowden's History of Ireland, and in the Speech of lord Castlereagh, on the 25th of May.

† Vide Mr. Clinch's Inquiry, Dublin, 1808.

* The late duke of Portland, then secretary of state for the home department, 1799—1800.

must these venerable prelates possess, from the stern inflexibility of their confidential agent, who has so repeatedly declared, that he invites martyrdom, sooner than give up an atom of the essential discipline of his church? His own constituents, nevertheless, for the very act now deprecated (which is authenticated by their signatures, namely, that of the four metropolitan and the six senior bishops), are acccused "of a commerce of robbery not less than sacrilege, and of an acquiescence in a measure calculated to stir up insurrection, to suffocate Christianity, to desolate Ireland."*

Adverting to the progress of these ill-fated transactions, we come to the period when Dr. Milner (as the avowed agent of the Roman Catholic prelates of Ireland) communicated with noble lords and right honourable gentlemen, who, in consequence, stated in Parliament the result of that communication, and announced, as they conceived they were warranted, the assent of the Roman Catholic prelates of Ireland, to the spirit, if not the letter of the proposal virtually sanctioned by Dr. Milner. On this part of the subject great misapprehension has taken place, and volumes have been written upon it: the *gist* of the question however is this—Was any measure stated to the House, in 1808, as having obtained the actual or virtual assent of the Roman Catholic prelates which, in point of fact, was not consonant to the letter of their own resolutions in 1799? It matters not how those noble lords or gentlemen may have themselves reasoned on the effects of that measure—different conclusions may be drawn from the same premises: the fact was simple, and stood on record: and there was no disposition to bind Dr. Milner beyond his authority; he had stated that he was not accredited to assent to the specific measure, though he considered himself well warranted to express his confidence in the assent of his constituents.

But we will look a little further.—The debate in this House took place on the 25th of May, and in a few days the report of it reached Dublin. Those parliamentary friends who had been the advocates of the measure, received deliberate acknowledgments of their efforts, and thanks in the name of the Roman Catholic prelacy of Ireland. From the 2d of June till towards the end of the following July, not a word escaped to lead their parliamentary friends to doubt that the same impressions continued in the minds of those, who, from their stations, must naturally have been considered as the most prominent to object or approve, sir J. H. observed that no person was more competent to speak to this fact than himself. About the end of July, commenced the attack upon this proposal in the public prints, led by a writer under the signature of Sarsfield, and followed by Lacius, Inimicus Veto, and other assumed signatures; and by some writers, who attested their opinions under their real names. The tone of all was in unison with the denunciations that have been quoted; and increased in violence, as the period approached for assembling the Catholic prelates in Dublin, to deliberate on the precise object which had been so much misconceived and misrepresented, and had thereby excited an almost general discontent.

If particular periods are to be marked by distinct appellations, the hour of this ecclesiastical convention might truly have been termed the reign of terror;—for, unquestionally, many of the prelates went thither under a very alarming anticipation of the possible result. No imputation is meant to be cast upon the integrity, the patriotism, or the truly Christian spirit of those who constituted that assembly of divines; and still less is any reproach intended to be cast upon the feelings of an honourable, frank, and high-spirited class of our fellow-subjects, deeply interested in the resolutions of their prelates, and more jealous of the independency of their religion, than anxious for their own restoration to the common franchises of the constitution. Such, however, was the ill omen and misfortune of the times, that a combination of circumstances, some extraneous, and some more or less connected with the interior discipline of the Roman Catholic church, very forcibly operated, at this conjuncture, to produce that collision, which militated so powerfully against the united efforts of their best friends, "to "insure the success of a system of universal and unreserved benevolence."*

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* Letters of Detector, Dublin, 1809.

* The above passage is from the speech of lord Grenville, on moving the question on the 27th of May, 1808. Mr. Trotter, formerly private secretary to Mr. Fox, asserts, in a recent pamphlet, that the ex-ministers were pledged to support Catholic emancipation, without any such con-

As opinions seem to change with the fleeting hour, it is instructive to look back to the estimation in which the proposal of the Veto was held by the accredited agent of the Irish prelates, a few months after it was renewed on the presumed acquiescence of his constituents, in 1808.

Dr. Milner, V. A. and bishop of Castabala, in his Letter to a Parish Priest, dated 1st August, 1808, says—"I proceed to shew upon what grounds I rested my opinion, that the Irish prelates, in the event of a friendly ministry succeeding to power, and of the emancipation being granted, would not hesitate, under the presumed sanction of his Holiness, to admit of a limited power of exclusion in the executive government. The first of these grounds is the actual consent which they (that is, the four metropolitans and six of the most antient bishops), speaking in the name of the whole episcopal body, have actually given to the proposed measure in their solemn deliberations, held at Dublin, on the 17th, 18th, and 19th January, 1799. In these deliberations, having premised the justice and propriety of the interference of government in the appointment of Catholic bishops, as far as is necessary to ascertain their loyalty, they resolve as follows:"—[The Resolutions of 1799, are then quoted by Dr. M.] "With respect to these Resolutions, I have to observe—1st, That they are in the hands, I believe, both of ministry and opposition, and are considered by both as binding upon the episcopal body:—2dly, That the exclusive power itself, or the right of the Veto, is not less explicitly offered in them than it is mentioned in my negociations:—3dly, The necessary checks upon this Veto are not so distinctly expressed in the former as they are in the latter."

Again, "In almost every uncatholic

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dition. The following extract of a letter written during the contest for the chancellorship of Oxford will supply the best answer to this assertion: "The state of the question, as agitated in Parliament, is, in general, very ill understood. The Catholics petitioned for equal rights: Lord Grenville never moved that the House should agree to the prayer of the Petition; but that it should resolve itself into a committee to consider the Petition. In that committee, he adds, the subject could be fully investigated; to consider what new safeguards its adoption might require—by what suggestions jealousy could be satisfied, and fear allayed: that, on this subject, he had concurred entirely with Mr. Pitt; their opinions had been formed together, by mutual communication and unreserved confidence; their plans embraced the whole ecclesiastical state of Ireland, including measures of considerable benefit to the established church, calculated to promote both its honour and advantage. The erection of churches and glebe houses, in a country where, of 2 400 parishes, not more than 400 had glebe houses, formed an essential part of their plan."—"The state of the Roman Catholic church administering to the spiritual wants of four millions of our people, had also been an object of their deliberate consideration. If you tolerate the Roman Catholic church, which is episcopal, you must of course allow it to have bishops; but, adds lord Grenville, it is unquestionably proper that the Crown should exercise an effectual negative over the appointment of the persons called to exercise these functions. Lord Grenville then proceeded to enumerate the measures with which Mr. Pitt and himself always meant to accompany the proposal:—'Great and important safeguards,' says his lordship, 'they were for the civil and ecclesiastical constitution of the realm; wise and salutary provisions for promoting the interests of religion—for extending the beneficial intercourse of our reformed and established church—for conciliating the warmest affections of a people, whose various interests and feelings were thus consulted—and for insuring the success of a system of universal and unreserved benevolence.'"—"What I ask (says lord Grenville) is only that you should enter fully into the discussion of the subject; whatever be the result of your deliberations, much benefit will be derived from the mere examination of these questions—asperities will be softened—unfounded jealousies allayed. Let it be indelibly impressed upon the mind of Ireland, that it is only by Union, by close and intimate Union with Great Britain, that she can, in this dreadful convulsion of the world, defend her soil, protect her people, or maintain her independence."—Such are lord Grenville's recorded sentiments, and if they were calculated to give offence to the Catholics of Ireland, why was he again selected to move the Petition, afterwards presented by the earl of Donoughmore? The Catholics of Ireland could not be ignorant of his sentiments.

country means are provided, and care is taken, both by those who have a right to present, and by the holy See herself, that no person obnoxious to the sovereign shall be raised to the prelacy within his dominions. The sovereigns of Russia and Prussia will be found to have exercised a power in this respect, which far exceeds that which the Irish prelates have offered to his Majesty, and accordingly these sovereigns have each of them an accredited agent at Rome, chiefly for the exercise of this power.' The King himself enjoys it, with the consent of Rome, in the province of Canada; the bishop of Quebec not being allowed so much as to chuse his co-adjutor, until the latter has been approved by the civil governor:—Fourthly, Whatever outcries of the church being in danger may have been raised by ignorant or violent Catholics in Ireland, I challenge any learned divine, or other writer, to shew that the allowance to government of an exclusive power in presenting to Catholic prelacies, if confined to three times, and accompanied each time with the avowal of a well-grounded suspicion of the candidate's loyalty, contains any thing either unlawful to itself or dangerous to the church."

The learned prelate then proceeds to assign the grounds of his opinion, and afterwards deprecates the outcry, that the rites of their church were about to be surrendered, and the King's ecclesiastical supremacy over it acknowledged. "But since this opinion" (he continues) "is founded in the grossest error, nothing is so easy as to dissipate it, by exposing the true state of facts in opposition to newspaper falsehoods, and by explaining in its several parts, the true system of canonical elections."

Dr. Milner then proceeds thus:—"Should the prelates recede from the Resolutions which they entered into at Dublin, in 1799, I hope they will be able to vindicate their proceedings and character, against the numerous and able opponents of each communion, who will not fail to attack them on the subject, and harass them for many years to come. I hope they will provide answers, and such answers as may be defended against men of talents, to the following questions, which will incessantly be put to them, as they have in part been already frequently put to me. The head of the church has allowed a direct interference and power in the appointment of bishops throughout the greater part of the Christian continent, to a man who has apostatised to Mahometanism; and shall it be deemed unlawful for our Monarch to interfere in this business just so far as it is necessary to ascertain the loyalty of men who are to possess such great influence over his subjects?—The schismatical sovereign of Russia, and the heretical king of Prussia, have always been consulted in the choice of Catholic prelates, for the vacancies within their respective dominions; what then hinders the sovereign of the united kingdom from enjoying the same privilege? He actually possesses it now in his American dominions; is that unlawful in Ireland, which is lawful in Canada? But you have already declared, after three days solemn deliberation on the subject, that such interference of government in the appointment of prelates, as may enable it to be satisfied of the loyalty of the person to be appointed, is just, and ought to be agreed to; and that, therefore, the candidate elected is to be presented to government, and that, if government has any proper objection against him, the president will convene the electors, and proceed to the election of another candidate."—"Such were your decisions delivered to government nine years ago, and which have remained with it ever since, to be acted upon whenever circumstances should permit. Do you break faith with it? Or, is that become false and unlawful now, which was true, and lawful then? In a word, will you reject these resolutions (for the purpose of quieting the alarms of the nation, and promoting the emancipation), which you heretofore voluntarily made in order to obtain a provision for yourselves?

"Such are the objections, in part, (says Dr. Milner) which I am confident will be thus held out against the prelates on every side, should they retract their decisions. It is wise, Sir, to anticipate mischief of every kind, in order to guard against it. If, on the other hand, the prelates should abide by what they have solemnly resolved upon, they will have nothing more to do than what is perfectly within their sphere, and what is comparatively easy to be done; namely, to enlighten their people, and shew them how grossly they have been imposed upon, both as to facts and reasoning."

Such were Dr. Milner's sentiments, expressed in the month of August, 1808. On the 14th of September following, the convention of the prelates was held in Dublin, and in that assembly they resolved, "That it is the decided opinion of the Roman Catholic prelates of Ireland, that it is inexpedient to introduce any alteration of the canonical mode hitherto observed in the nomination of the Roman Catholic bishops," &c. Soon afterwards, Dr. O'Reilly, the Roman Catholic primate of Ireland, in answer to the enquiries of lord Southwell, and sir Edw. Bellew, says, "I think and am certain that, in forming their resolutions, the prelates did not mean to decide, that the admission of a veto or negative on the part of the crown, with the consent of the Holy See, in the election of Roman Catholic bishops, would be contrary to the doctrine of the Roman Catholic church, or to any practice or usage essentially and indispensably connected with the Roman Catholic religion." The primate proceeds to avow his opinion, "that the objection raised against the negative is of a temporary nature resulting from existing circumstances, though many persons suppose it to arise from the nature of the measure, thus giving to the resolution of the bishops of 1808, a meaning which (he says) it does not deserve."

Such is the construction placed on the veto by the Roman Catholic primate of Ireland, and by the accredited agent of the Irish Catholic prelacy."*

It is of some interest to consider the view taken of this proposed measure, by the see of Rome itself. Dr. Milner tells us, in the same Letter to a Parish Priest, that another ground of his opinion in favour of the proposed veto, was, "the implied consent of the sacred congregation of the Propaganda, adding, "I shall take care that the original note of the sacred congregation here alluded to, and which was addressed to me in answer to my enquiries, be laid before your assembled prelates." It is certain, that Dr. Milner did lay that note before the prelates assembled in 1808; it is certain, also, that they approved the whole of his conduct respecting his transactions here, as the assembly passed an unanimous vote of thanks in his favour, requesting him to continue to act as their agent in London. Dr. Milner has avowed that cardinal Borgia, then prefect of that congregation, which superintends the Roman Catholic clergy of this United Kingdom, had declared to him, "that, though, Benedict XIV. had refused "to enter into a concordat with the king of Prussia, it being without example, for an uncatholic king to choose, even among grand vicars, appointed by the prelates; there was less difficulty about a pure negative, provided there were due precautions to prevent its becoming, in fact, a positive power."

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* After the debates in 1805, when Mr. Fox moved to go into a committee on the Catholic petition, sir J. H. circulated a large impression of what was intitled "The Substance of additional Observations, &c." and copies were transmitted to Dr. Troy, for distribution to the Roman Catholic prelates of Ireland, in order that they might be fully aprised of the measures that sir J. H. had conceived it to be his duty to recommend to the consideration of the King's ministers, antecedent to the Union. Sir J. H. received many applications, particularly from two distinguished Roman Catholic prelates in Ireland, as well as from others in England, to reprint a large edition of the pamphlet, for circulation in Ireland; and a gentleman, who has since that period particularly distinguished himself by his opposition to the negative of the crown, then united with the Roman Catholic bishops in urging the re-publication of the pamphlet, as the "wish of all those who had read it." This pamphlet adverted to the mode of appointing Roman Catholic bishops in Ireland; stated the practice, obtaining in the United Provinces, upon the authority of the cardinal secretary of the Propoganda,—namely, that all Catholic priests, or cures, were presented by the arch-priest to the civil magistrate, *pour être avoués comme Curés,* (as, in the United Provinces, there were no Roman Catholic bishops.) Sir J. H. proceeded to object to the nomination of the Irish Catholic bishops by the crown, which had been suggested by an Irish county member, in the course of the debate of 1805, and quoted the letter of Mr. Burke to lord Kenmare in support of his objection to all power of nomination, adding, "that the wholesome end which the learned gentleman had in view, might easily be attained by another regulation." He then stated, "that, among the various regulations suggested to government, at that period was one, providing that, in future, all lists of persons recommended to fill vacant sees, or deaneries, previous to their transmission to Rome, should be communicated to his Majesty's ministers."—He then adverted to various other regulations, concluding, "that such regulations could not be considered, even at Rome, as incompatible with the acknowledgment of a spiritual supremacy." In fact, that suggestion was in conformity to the practice in nearly all the states of Europe, Catholic, Greek, or Protestant; but the authority cited by Dr. Milner on this head, in reference to the opinion of the see of Rome, is decisive.

Vide sir J. H.'s "Substance of additional Observations." Faulder, 1806.

The cardinal might, with truth, have added, that, in later times, the appointment of Roman catholic bishops, by an uncatholic sovereign, was not without example. Dr. Milner cites the examples himself, in the instances of Russia and Prussia, and brings it home to Canada.

Sir J. H. observed, that when he was himself last at Rome, in 1794, the cardinal prefect of the Propaganda, shewed to him the correspondence of Monsignor, now Cardinal, Erskine, who had been desired by his Majesty's ministers to procure from the see of Rome the necessary faculties of institution in favour of the bishop of Comminges, who was named, by the king, to the bishopric of St. Domingo:—the requisition was acceded to; but, soon after, another requisition was made to the see of Rome, to suspend the faculties, in consequence of a change of intention with respect to the individual, and this was also acceded to.

Previous to this period, sir J. H. had been in very intimate communication with the ministers of the late sovereign pontiff, whose favourable disposition towards this country had been particularly marked; and he considered himself sufficently authorised, from such communication, to address his Majesty's then ministers, and intimate that there was no difficulty about making the appointments of the Roman Catholic prelates subject to the approval of the king; and further, that the see of Rome was ready to recede from the nomination of apostolic vicars, in whom, at present, was vested the ecclesiastical government of the Catholics of Great Britain; and thus to liberate his Majesty's Catholic subjects from all vicarial or delegated power *;—though, by a strange misapprehension it had happened, that a noble friend of his had pronounced the eulogy of the present vicarial delegation in opposition to the constitution of ordinary bishops.

On this head of the proposed veto, sir J. H. observed, that, he would only refer to a sketch which he had himself drawn up on the basis of the resolutions of the Irish Catholic prelates of 1799, and communicated confidently to several eminent persons of the Roman Catholic communion, both ecclesiastics and laymen, from whom it had received an unqualified approbation. Afterwards it had been transmitted as a sketch, still open to correction, to the Roman Catholic archbishop of Dublin, who, in consequence of much clamour excited by the report of a bill of restriction being about to be moved in parliament, of which a copy had been sent to the archbishop, thought proper to transmit the sketch, thus communicated to him, to the general committee in Dublin. Sir J. H. proceeded to state the alterations he had suggested in that sketch, from the original regulations proposed by the Catholic bishops in 1799; which alterations were wholly on the side of the Catholic, although the security given to the crown was equally substantial *.

Sir J. H. then referred to various ordinances and practices, principally regulating the communications with the see of Rome, in foreign States, whether Catholic or non-Catholic. These were,

1. An edict of the empress Catharine II. dated January 17th, 1782, erecting the see of Mohilow into an archbishopric of the Roman communion; reserving the nominations of the archbishop and his

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* The distinction between the appointments of the Irish Roman Catholic bishops ordinary and the English and Scotch apostolic vicars, is treated at large, in sir J. H.'s "Substance of additional Observations." Faulder; 1806.

* As Mr. C. Keogh has published this sketch of sir J. H. in a recent pamphlet, with some strictures, the sketch is given at length in the Appendix, (No. V.) Mr. Keogh expresses himself equally adverse to the proposal of the bishops, which he deprecates with great severity. He recommends also the very singular measure of a popular veto upon the appointment of the Roman Catholic bishops: "By vesting a controlling power of assent or negative on the acts of convention, in the people at large, who might be simultaneously polled in all the parishes."

coadjutor bishop; assigning revenues to the see; declaring the archbishop to be subject only to the sovereign and the senate; prohibiting all foreign ecclesiastics who had no licence from the crown; and subjecting all religious orders to the archbishop independently of all foreign jurisdiction. This public act also confirms other anterior edicts, which prohibit the introduction of all papal bulls and other rescripts of the see of Rome without examination of the senate, lest they should contain any matter injurious to the established government. Sir J. H. added, that a noble lord had, at his instance, consulted a distinguished foreign diplomatic character, respecting the authenticity and practical effect of this edict; and that he had declared, that it was authentic, and that it constituted the invariable regulation of the Roman Catholic establishments in the Russian empire; that the usual faculties of institution were obtained from the see of Rome, and the Russian government have an agent resident at Rome, for the expedition of the usual instruments connected with the discipline of the Roman Catholic church.

2. That the nomination of the Roman Catholic bishoprics under the government of Prussia, since the annexation of Silesia, had been made by the king, who also has an agent residing at Rome, for the expedition of the necessary faculties. Professors Busching and Thiebault, in their works, recognise this appointment. In the Frederican code, there is no regulation to this effect, because no dominant religious establishment obtains in the Prussian state.

3. That, in Canada, as is well known, the nomination both of the bishop and his coadjutor, is in the British crown, although the measures consequent to the appointments are transacted with the see of Rome, without the ostensibility of an actual nomination. In countries since conquered, for instance St. Domingo, and others, it had been stated that the nomination of the crown was acceded to by the see of Rome.

4. There is no dominent church establishment in the states of America, and the see of Rome, with the implied assent of the government, nominates to the R. C. episcopacy. Six new bishops had been recently appointed, some of the regular and some of the secular clergy—natives of Ireland, France, and other nations

5. It is well known that the emperor Joseph 2. made many alterations in the exterior discipline of the church, in Austria; these regulations had all the force of laws; and the emperor was unquestionably supported by the co-operation of the heads of the German church, though many of the regulations were adverse to the see of Rome.*

By a decree of the 26th of March, 1782, recourse to Rome was prohibited in many cases which before were admitted, and the introduction of all bulls, briefs, and other rescripts of the see of Rome were subjected to examination, and required to have the royal assent (*Exequator Regium*) before they were allowed to be promulgated; and to this regulation, the rescripts of doctrine in many instances, as well as those of discipline, were equally subject. All regulations and proceedings from foreign jurisdictions, such as generals of orders, were also prohibited; the faculties of institution to bishoprics were to be examined before they were carried into effect: an exception, however, was made in favour of the *Forum Inturnum*, in matters purely spiritual.

6. In Tuscany, by several edicts of Leopold 2, between the years 1778 and 1789, regulations were established to the same effect, respecting rescripts from Rome. These were subjected to the same

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* The late pope, Pius VI, was very adverse to these alterations, and thought it necessary to come in person to Vienna, hoping to prevail upon the emperor to rescind them. At the conference between these illustrious chiefs, the pope having stated his objections, was asked by Joseph, whether he considered the measures in question as matters of the Catholic faith, or as matters of regulation?—To which he answered, that he considered them in the latter view; whereupon the emperor replied, that as he should have yielded to the pope's spiritual supremacy, had they been matters of faith; so he must reserve to himself the exclusive governance in all matters which regarded the internal regulation of his dominions. It is known that the pope was unable to shake Joseph from this ground, and that he soon after quitted Vienna, *re infecta*.—It must be confessed however, that Joseph was not candid in his conduct towards the pope, for he certainly, in many instances, went beyond the limits within which he had originally declared to the pope that he should confine himself.

examination and licence as those established in the Austrian dominions. The bishops were directed to notify all ordinations to the government in order to obtain licence; to communicate their triennial reports to government before their transmission to Rome, &c. &c.

7. In the kingdom of Naples the Exequator Regium was also established from a very early period, without which no bulls, briefs, or rescripts from the See of Rome could have currency. In the history of the Exequator Regium, in the Istoria Civile of Pietro Gianone, he cites the various instances of the exercise of this prerogative in Portugal, France, Flanders, Milan, Savoy, Sicily, Venice, Florence, &c.

8. In the Venetian States, regulations were established in 1754, with respect to all rescripts from the See of Rome, subjecting them to the *Exequatur*.

9. In Spain, by a decree of Charles 3, 1761, all bulls and rescripts whatever were directed to be submitted to the King in order to obtain the Regium Exequatur, lest any prejudice might result from their publication, either to the *concordatum*, to the laws, customs, or tranquillity of the kingdom, excepting from this presentation only the briefs of the penitentiary of the Internal Forum. The Inquisitor General was also directed not to publish any pontifical bull or brief, unless it were first transmitted to the King: and it was ordered that no book or paper should be condemned by the Inquisitor General, or by the tribunal of the inquisition, before the defence of those concerned in the same should have been heard.

10. In France, under the old Regime, the nomination to the bishoprics and benefices was secured to the crown, by the concordat between Francis the first and Leo the tenth. The privileges of the ancient Gallican church, ever watchful and jealous of the encroachments of Rome, depended principally upon two maxims:—first, that the pope has no authority to order or interfere in any thing whether general or particular, which concerns the civil rights of the kingdom. Secondly, that notwithstanding the pope's supremacy is acknowledged in cases purely spiritual, yet in other respects his power is limited by the decrees of the ancient councils of the realm.

In 1482, the supreme council of Provence enacted, that "no letters coming from foreign jurisdictions, though only relating to spirituals, should be executed without the ratification and registry of the court;" and this practice was universally adopted by the supreme courts within the kingdom with a relaxation in favour of such cases as fell within the Forum Internum, cases of conscience, &c.—In consequence of these enactments, every bull, brief, faculty, &c. from the See of Rome, was directed to be presented, within a stated time, to one of the courts of parliament, where it was examined, lest it should contain any thing hostile to the privileges of the Gallican church, or the temporal rights of the crown: if not objected to, it was circulated of course as a matter of mere ecclesiastical regulation.

On these principles the Concordat between Buonaparté and Pius VII, was regulated; and on similar principles a controlling authority has been exercised, at some period or another, in almost every state in Europe, Catholic as well as Protestant, with respect to the introduction of rescripts of the See of Rome.

Sir J. H. observed, that his right hon. friend had, with great force, pressed upon the attention of the House, his considerations upon the subject, as applying to foreign interference. The Catholic prelates contend they have given the highest security that subjects can give, by taking the oaths of allegiance. It is admitted that none higher can be given by an individual; but, from the authorities which have been cited, it appears that almost every state has seen reasons for adopting collateral measures of precaution. It is not the Catholic subject against whom the state seeks to legislate, but against the encroachment of a foreign power, not slow in devising the means, nor inactive (as history will show, at various periods) in carrying them into effect.

Upon a former occasion, sir J. H. observed, he had noted how inadequate the existing laws were to provide against any such encroachment. The statute of the 13th of Eliz. c. 2, constituted what has been considered as the only barrier. It enacted, "That any person who shall get from the See of Rome any bull, writing, or instrument, written or printed, containing any thing, matter, or cause whatever," shall be subject to the penalties of high treason. That statute remains still unrepealed; yet instruments from the See of Rome are, in various cases, essential to the exercise of the Roman Catholic religion, which, in lord Mansfield's construction, is now not merely tolerated, but protected and established by law. The result is, that the act is, and must be continually violated. The provisions, in any case, are too sanguinary to be enforced in the present times.—Whereas, if institutions, similar to those which have been established by the wise policy of other states, were introduced here, in the place of the ineffectual guard of the statute of Eliz. we should obtain rational and practical security from eventual encroachment, in the place of a sweeping prohibition, which defeats itself by its absurd severity. But it will be said—Why this solicitude, at this hour? Where now is Rome? The answer may be made in the words of a Roman proverb—"Ubi Papa, ibi Roma!" The Roman Catholic prelates of Ireland, loyal and vigilant, were not insensible to the possibility of such a danger. So late as in the year 1794, an alien bishop was sent to Ireland, upon a private mission from Rome, and his mission was remonstrated against by a late Roman Catholic metropolitan prelate. It was not contended that the purpose of the mission had an injurious tendency, further than as it was coupled with an assumption of power which might be occasionally exercised to a mischievous end. We know too that a Roman Catholic metropolitan had expressed his apprehensions to the See of Rome, lest cardinal Erskine, then in London, should appear in Ireland; which might be interpreted, by the adversaries of the Catholics, as a mission to dispense with the newly enacted oath of allegiance. At that period, it is certain that the conduct of the reigning Pontiff was marked by the strongest acts of friendly attention to his Majesty's government, as the various briefs emanating from Rome will abundantly prove; but had it been otherwise, there existed no barrier against encroachment, in Ireland*, but what was to be found in the loyalty of our Catholic fellow subjects†.

If the prejudices of the public have been rather increased than allayed, by the appeals of the Catholics themselves, on the subject of the negative power of the crown, the efforts of their old opponents have not in the mean time relaxed, but have thereby been augmented.

Sir J. H. could not but refer with great pain to a discourse pronounced in the cathedral church of St. Paul, by a now right reverend prelate, and published, "Jussu Reverendissimi." It is entitled: Concio apud Synodum Cantuariensem, Æde Paulina Habita—IX Kal. Julii 1897. In which is found the following passage:

"Verùm dum illi omnes qui extra suæ Ecclesiæ terminos sunt, tanquam hæreticos, suppliciisque deditos sempiternis habeant; dum universum sibi vel in ipsos Reges imperium arrogent; dum palam profiteantur nullam fidem cum hæreticis servandam esse; dum hæc, inquam, talia portenta ab illo Antichristo et profluxisse et adhuc profluere videmus, quanta pericula in nos ingruere arbitramini, si in imperii societatem ullam asciscerentur! Luctuosissima illa quæ majores nostri perpessi sunt, hâc ipsâ origine enata, altiùs animis nostris hærent infixa quàm ut ullo temporis intervallo possint deleri. Ne dicant se mitiores esse hodiè, justiores, humaniores; non jam esse quales eos fuisse nostri memorant. Quamdiu enim Tridentina illa invalescat confessio*, quamdiu illa agendi, sentiendique norma, ad quam omnia exigant, in integro sit, tamdiu illos tanquam omnis humani pariter, divinique juris hostes, pertimescere, et à curiâ et militiâ arcere necesse est!!!"*

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* The statute 13th Eliz. does not extend to Ireland.

† This subject is treated at some length in sir J. H.'s pamphlet, "The Substance of Additional Observations, 1806." Mr. Pitt also evidently refers to such restrictions, in his speech on Mr. Fox's motion 1795; those measures were concerted between Mr. Pitt and lord Grenville; and the known fact affords also a refutation of the assertion that lord Grenville was pledged to support the claims of the Catholics without restriction. Mr. Pitt, on the debate on the 25th of March 1805, observed: "I thought that such concessions to his Majesty's Roman Catholic subjects, might have been granted, by an united parliament under such guards and securities for our civil and ecclesiastical constitution, as would entirely remove the danger which many apprehended might arise from so great a departure from the policy of former times, as would render the boon safe to the country, effectual to those who received, innocent to those by whom it was conferred, and conducive to the strength, unanimity, and prosperity of the empire. Such were my sentiments formerly, such are they now; if, from a concurrence of circumstances, it were expedient now to grant them; and, if by a wish, I could carry such a measure into effect, I am ready to confess that I see no rational objection.—Debates, 1805.

* It is difficult to conceive what the learned prelate has in view, or what is the precise cause of the alarm excited in his

In this short passage, our Catholic fellow-subjects are distinctly charged with entertaining opinions which they have renounced upon their oaths. The first charge indeed is that, of which the negative forms no part of their oath: for the legislature must have seen that the imputation might equally have been made against the Established Church, in reference to the condition of all who were not baptized, as inculcated by the 18th article of the Established Church, as well as by the Athanasian Creed. The charges of the right reverend prelate denounce this class of his fellow subjects, amounting to a fourth of the whole population of the empire, as enemies of all laws, divine and human, who as such should be driven from our courts and our armies! a class of which probably the greater proportion of our fleets and armies are composed! what encouragement! But, on this head a few considerations will be offered hereafter.

With not less regret must we turn to the sentiments of an hon. and right reverene prelate, long distinguished by almost a boundless munificence, and not less for a liberality of opinion and action, in other respects, which claims the gratitude of his fellow-citizens. Nevertheless, he unfortunately thinks, "there is some danger, lest, under a misconstrued indulgence to the popish petitions, we should, by an appearance of indifference to our church, give countenance to doctrines and usages which, as sincere Protestants and readers of our bible, we must ever hold to be idolatrous, blasphemous, and sacrilegious."* In this

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mind by this "Tridentina confessio," unless he alludes to the creed or profession of faith of Pius IV. founded upon the council of Trent, which solemnly promises obedience to the Pope—"veram obedientiam spondeo et juro." Catholics have ever disclaimed that they are bound to it beyond spiritual matters:—they have sworn allegiance in temporal or civil matters to the king; and when it was represented to the late Pope Pius VI. (in 1791) by the Roman Catholic archbishops, that a misconstruction of the pontifical oath had excited some discontent in Ireland; the pope, by a rescript dated 23d June, 1791, grants permission to substitute an oath similar to that taken by the archbishop of Mohilow, omitting the words "Hæreticos persequar et impugnabo," and concluding with these words—"I will observe all these things the more inviolably, as I am firmly convinced that there is nothing contained in them, which can be contrary to the fidelity I owe to his most serene king of Great Britain and Ireland, and to his successors to the throne; so help me God, and those Holy Gospels of God: this I promise and engage." Such are the words substituted by the Pope Pius VI.

Very different are the sentiments of another right rev. prelate. The following advertisement is prefixed to a charge of the lord bishop of Llandaff, delivered to his clergy in June 1805, soon after lord Grenville's motion in parliament, and published, for the first time, on the 1st of June 1808; three days after the second motion of lord Grenville:—"A numerous and respectable part of the clergy of my diocese requested me, at the time it was delivered, to publish the charge now submitted to the world. I excused myself from complying with their request, because I considered the Catholic question to have been then settled, at least for a time; and I was unwilling to revive the discussion of a subject, on which I had the misfortune to differ in opinion from a majority in each house of parliament. I have still that misfortune—but looking upon the situation of the empire to be abundantly more hazardous now, than it was three years ago, I have thought it a duty to declare publicly, my approbation of a measure, calculated, I sincerely believe, above all other measures, to support the independence of the country, to secure the stability of the throne, to promote peace among fellow subjects, and charity among fellow Christians, and in no probable degree dangerous to the constitution, either in church or state. R. L.

Calgarth-Park, 1st *June* 1808."

* The first construction given by lexicographers of the verb *arceo*, is, 'to drive away:' from, *αρκέω—propulso;* the second, 'to keep off:' Vide Littleton.——"Odi profanum vulgus—et *arceo*." *Horace.*

* It may be asked, what is the opinion of orthodox divines, at the present day, of the solemn service ordained by the church, "at the healing of the king's evil?" This service will be found in Sparrow's Collections of Canons, 1675, and was continued

opinion, however, the learned prelate is at issue with the declarations of the legislature; for, assuredly, such men could not be recognised as "good subjects;" for, at every hour of their lives, they would be open to prosecution both at common law and upon the statute: Yet we find their churches protected by law; their priests licensed by law to perform the rites of their religion; penalties assigned for interrupting those rites; and public institutions raised and supported by parliament for the education of their priests, and for the supply of their churches. We may refer to the words of the great lord Mansfield*, in speaking of the "Dissenter's way of worship," so is that of the Catholic—"It is not only exempted from punishment, but rendered innocent and lawful, it is established, it is put under the protectection, and is not merely under the connivance of the law."

The Irish Roman-catholic clergy have complained, "that, the secret of confession not being acknowledged by law, priests have been interrogated in the courts, and declared contumacious for not answering, or not revealing it."

They also complain, "that the freedom of worship is denied to Roman catholic soldiers and sailors, who, for the most part, are compelled to attend the protestant churches, in England, and sometimes in Ireland, notwithstanding the acts of 1791 and 1793."

On the subject of confession, and consequent absolution, as tenets of faith and discipline in the R. C. Church, sir J. H. observed, that in no respect did they essentially differ from the ritual of the established church; and that, on a former occasion, he had so stated it; but there was no part of the discipline of the Roman catholic church, that was more industriously misrepresented: the only difference, in practice, is, that the catholic is enjoined, by the council of Trent, to confess at least once a year to a priest; and the form of absolution invariably made use of by the priests of the church of Rome, is that which is also enjoined by the rubric of our church, to be used in the "visitation of the sick;" and likewise in the Irish ritual of the established church, in "The visitation of prisoners." The priest, by the rubric of the established church, is enjoined to move the sick to a special confession. The order of the communion of king Edward 6. requires—"such as shall be satisfied with a general confession, not to be offended with them that do use, for their further satisfying, the auricular, or secret confession to the priests; nor those also which think needful for the quietness of their own consciences, particularly to open their sins to the priest, to be offended with them which are satisfied with their humble confession to God, and the general confession of the church." The words of the rubric of the established church, are these: "Our Lord Jesus Christ, who has left power to his church to absolve all sinners who truly repent and believe in him, of his great mercy, forgive thee thy offences; and by his authority committed to me, I absolve thee from all thy sins, in the name of the Father, &c.

The same words are used by Archdeacon Paley, and Dr. Mant, in their "companions for the visitation of the sick," founded on the power imparted by the imposition of hands, at the ordination of priests,—"Those whose sins thou shalt forgive, &c." In both churches, the condition of absolution is the same, namely contrition for past sins, joined to a firm purpose of amendment; and otherwise the absolution is declared to be nugatory.

It is, nevertheless, a prevalent opinion, that, in the R. C. church, absolution is unconditional, or at least, that its effect is taught to be more dependent on the performance of works of imposed penance, than upon a truly contrite state of the mind, and firm resolution of amendment; the best answer to give to those who maintain such an opinion, is, in the words of the compiler, of "the book of prayers, recommended to the use of catholics serving in the fleets and armies of Great Britain."*

Under the head of a "Preparation for

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and acted upon even in the reign of queen Anne, if not later. The Gospel of St. Mark is first recited; and, upon the words being repeated, "they (the Apostles) shall lay their hands on the sick, and they shall recover," the direction is, "Here the infirm persons are presented to the king, upon their knees, and the king layeth his hand upon them."—No comment need be made.

* Vide Furneaux, page 24, quoted in the memoir of J. F. Dillon, esq.

* Printed by Keating, Duke-street, Grosvenor-square, "permissu superiorum."

death," are these words: † (which sir J. H. read:)—" You know, from the catechism you have learnt, and the books of catholic instructions you have read, that the absolution of a priest can be of no benefit to you, unless you be duly disposed to a reconciliation with your offended God, by true faith, by a sincere sorrow for all your sins, by a firm resolution never to commit them again, and by a willingness to satisfy God, and your neighbour also, as far as justice requires. Without these dispositions on your part, the act of the priest would not be ratified in heaven, you would be guilty of the profanation of the sacrament of penance, and provoke the indignation of the Almighty, instead of obtaining his mercy. It is only when he sees you thus duly disposed, that God looses in heaven, what, by his authority, and according to the conditions of his institution, his minister looses on earth."

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† It is but justice to the laudable and pious efforts of the compiler (an English prelate of the Roman catholic church), to subjoin the following extracts from this well-directed work.

" Advertisement.

" Whereas a very considerable portion of his Majesty's subjects, employed in the defence of the British empire, consists of catholics, whose chief happiness is derived from the performance of the duties of their religion; and whereas the known principles of their religion do not permit catholics to unite in prayer, or in a form of worship, with others of a different religious communion, the following form of prayer is composed for the use of such of his Majesty's catholic subjects as may be serving in his forces by sea or land, and may not have the means of recourse to the ministers of their holy religion: in the humble hope, that by the authority of the legislature, in its kind indulgence and just attention to the conscientious feelings of so numerous and so meritorious a class of the defenders of the United Kingdom, the catholic seamen and soldiers will be exempted by law from attending the service of the established church, and will be permitted to assemble together on Sundays and holidays, in some convenient place, to worship God agreeably to the service of their own communion, and to offer up their ardent prayers for their king and country."

" Before an Engagement.

" Psalm xxvi. (aliàs xxvii.) The Lord is the protector of my life; of whom shall I be afraid? If armies in camp should stand together against me, my heart shall not fear. If a battle should rise up against me, in this will I be confident. And in Psalm xxii. (aliàs xxiii.) Though I should walk in the midst of the shadow of death, I will fear no evils, for thou art with me."

" For the Litany.

" That thou vouchsafe to bless and save our most gracious sovereign George, with all the royal family, to support him by thy power, to direct him by thy wisdom, and to conduct him at length to thy eternal kingdom.—That thou vouchsafe to protect and support our commanders and officers, to inspire them with wisdom and courage, to crown their exertions with victory and success, and after this life to bless them with the everlasting happiness of heaven.—That thou vouchsafe to give us grace to fear thee, to honour our king, and readily submit to all whom it is our duty and thy will that we should obey, because it is thy will: for we know that he who resisteth thy power, resisteth thy ordinance, O God; and they that resist, purchase to themselves damnation, Rom. xiii. 1, 2."

" An Admonition to Catholics serving in his Majesty's fleets and armies.

" If to the faithful performance of your duties to your king and country, you add a constant attention to the worship of God, and to the salvation of your immortal souls, your happiness will be complete. " Render, therefore, to Cæsar the things that are Cæsar's, and to God, the things that are God's." Matt. xxii. 21. Your families and your country are justly dear to you; but how much more dear than even these, ought your own souls to be? " What doth it profit a man, if he gain the whole world, and lose his own soul? or what shall a man give in exchange for his soul?" Matt. xvi. 26.

" With regard to what concerns the conduct and behaviour of one man amongst you towards another, take care that no difference of religion disturb that union and peace which ought to reign in the hearts of those, who have one common duty and interest in serving and in defending their king and country,

" As much as is in you, keep peace with all men. Render to no man evil for evil, (Rom. xii.) nor railing for railing, but contrariwise, blessing, (1 Pet. iii. 9.) The grace of God be with you all. Amen.."

On the subject of secret, or auricular confession, and the obligation imposed by the church upon the priest or minister receiving it, we may derive information from the 113th canon, intitled "Peccata notoria ministris jus est denunciare, privatim confessa retegere nefas." "Provided always, that if any man confess his secret and hidden sins to the minister, for the unburthening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not any way bind the said minister by this our constitution, but do strictly charge and admonish him, that he do not, at any time, reveal and make known to any person whatsoever, any crime or offence so committed to his trust and secrecy (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same,) under pain of irregularity."

A member (Mr. Wilberforce,) on the bench behind sir J. H. here interrupted him by saying, "That is a canon of the church of Rome." Sir J. H. replied—No, it is a canon of the established church, and as late as the year 1603, of the latest class of canons, which constitutes the principal ecclesiastical code for the government of the church. The King's ratification gives an authority, which is considered as binding on all those who are subject to him in ecclesiastical matters. Such is the construction put upon them by ecclesiastical writers: but it is of more importance to examine the opinion entertained in Westminster Hall. In the case of Du Barré *v.* Levitte, 31 Geo. 3. on a question raised relative to the examination of an interpreter, Mr. Garrow cited a case determined by Mr. Justice Buller; it was a case in which the life of a prisoner was at stake:—the King *v.* Sparkes. The prisoner being a Roman Catholic, made a confession before a Protestant clergyman, of the crime for which he was indicted, and that confession was permitted to be given in evidence, upon which he was convicted and executed. Lord Kenyon observed, "I should have paused before I admitted the evidence there admitted." Lord Coke also says, in his 2d institute, "If high treason is disclosed to a clergyman in confession, he ought to reveal it, but not in a case of felony." By the law, as it now stands, there is no crime, not even high treason, the concealment of which can call in question the life of the person concealing it: hence the canon law is at issue, in this respect, with the common law. This head of complaint may be concluded with refering to a well-known fact, namely, that Henry 4. of France, wished to make a law, by which confessors should be bound to reveal conspiracies against the King, which might come to their knowledge, even under the secret of confession. But father Cotton convinced Henry 4. that it is contrary to the divine, and natural law, to disclose what is known only by confession—that it would not be expedient to the public good; for in that case, no person, engaged in a conspiracy, would mention this crime in confession, if he knew that his confessor was at liberty to denounce him; whereas, in the absolute confidence in the inviolable secrecy that is, and must be, observed, a conspirator may disclose his guilt to his confessor without fear, and the confessor may employ the most powerful motives to engage him to renounce his criminal designs, and thus prevent evils, which would not otherwise have been known.—Henry was perfectly satisfied that his intended law would have defeated its own purposes.

With respect to the situation of the Catholic military under the existing laws, the bare mention of it ought in justice, and, indeed, in common decency, to be enough to insure redress; nevertheless the complaint has been necessarily re-urged, as often as this subject has been renewed in parliament; repeated applications have been made to ministers, to every administration in succession, it may be said, since the year 1793, when the Irish Act opened the army to Catholics, but no adequate redress has been obtained.

At Chatham, it is true, a spot of ground was granted by government, to erect a chapel for the use of the Catholic military, and, under successive commanding officers, the Catholics were separated from others, on the Sunday parade, and marched to their own place of worship. In other places, the Catholic military have experienced a very capricious fate; sometimes, though rarely, allowed to attend their own pastors exclusively; at other times, obliged to attend the service of the established church, previously, or subsequently, to their own service; but oftener marched indiscriminately to the established church, without permission to attend their own. The Catholic prelates of Ireland have frequently addressed government upon this subject, particularly on the 28th of May, 1800; which address, sir J. H. said, was transmitted to the duke of Portland by himself; and stated that, "notwithstanding the assurances given to the Catholics upon taking service in Ireland, no sooner was a regiment though chiefly composed of Catholics, arrived in England, or in any other part of the empire, than they were forced to conform to the established church, and often restrained even in their dying moments, from the exercise of their religious duties." The address proceeded to pray, that some parliamentary regulation might take place, to assure to the Catholic soldier, liberty of conscience in this respect. It had been stated by an honourable general, on the motion of thanks to sir S. Achmuty, "That the seventh regiment, which had so gallantly fought at Monte Video under the command of sir Edm. Butler, was composed altogether of Catholics, and that in point of fact, he knew that, of the 4,000 men who had attacked that garrison, no less than 3,000 consisted of Catholics." Sir J. H. observed, that it was consistent with his own knowledge, that of three levies of 1,000 men each, marched into the Isle of Wight, a few years since, in two of those levies 160 only were not Catholics; and of another regiment, then in the south of England, consisting of about 900 men, 860 were Catholics; it is also well established, that the proportion of Catholic recruits, at present, greatly exceeds that of Protestants. In Austria, it is well known, that the army is open to Jews, and so much attention is paid to the rights of conscience, that a military order regularly issues every year to exempt the Jews, for a certain time, from duty, in order to allow them undisturbed attendance on their solemn festivals. It had, in a former debate been stated in the House by sir J. H. that his Majesty had granted commissions of chaplains * to Roman Catholic priests in the several regiments of the Irish brigade, and also in the regiment of Glengary fencibles, which had been raised on the British establishment: this fact is now stated in answer to some gentlemen, who had expressed an opinion, that those who advised such a measure, had advised a breach of the coronation oath; let it be remembered, however, that Dr. Milner's refutation of the restrictive operation of that oath, as affecting the question now before the House; had been declared, even by the late chancellor Sturges, to be unanswerable.

In the naval service, Catholics were not less numerous; Sir J. H. held in his hand a list of 46 ships of the line, which, at two different periods, had belonged to the Plymouth division, and in the majority of which, the Catholics greatly exceeded the Protestants. In some of the first and second rates they amounted even to two thirds; in one or two first-rates they formed nearly the whole; and in the naval hospital, about four years since, of 470 sick, 363 were Catholics. The proportion indeed at present in the naval hospital at Plymouth, is less than almost at any antecedent period, scarcely amounting to a fourth.*

As the difficulties opposed to Catholics, with respect to an attendance upon their own pastors, must necessarily be greater in the navy than in the army; the little manual of devotions, which has been mentioned as being more particularly applicable to their situation, will, it is to be hoped, receive that countenance which is prayed for, and to which it is so justly entitled.

The memorable bill introduced some years ago, by a noble lord since removed to the other house of parliament, would have applied an effectual remedy for the grievance complained of; and would not only have assured to the Catholics a full protection of the rights of conscience, but have held out the means of inviting young men of condition to those ranks, in which they might with honour distinguish themselves in the service of their country—ranks which they must now seek, if they seek them at all, by stealth and under every disadvantage: nevertheless those who are so prone to withhold those advantages from them, do not scruple to invite them, in the last resource, to the post of danger. Even the Catholic priest is occasionally selected to acquit ardous and high confidential commissions—involving great personal risk and delicacy of management. The defection of the marquis de Romana from the cause of the enemy, it is known, was produced by such a resort*. A Catholic priest was also sent by government to appease the mutineers at the Nore; their services were very properly acknowledged, as the well-known father O'Leary's had been at an antecedent period in Ireland.—The eulogies pronounced upon the latter by members of that House are upon record: and no man had rendered more substantial services to his country in the hour of danger. The continent for many years had opened a great field for the exertions of this class of our proscribed fellow-subjects; and George the second is said to have exclaimed, at the battle of Dettingen, where he had occasion to witness their valour—"Curse on the laws that deprive me of the aid of such subjects!" With all the resentment, however, which we may suppose to be inseparable from a high spirit of honour, when sorely oppressed, it is well known, that in the year 1745, not a single domiciliated Irishman joined the standard of rebellion. Lord Chesterfield (then lord-lieutenant) was instructed to raise 4,000 additional troops, for the defence of Ireland. He took it upon himself not to raise a single man; but, on the contrary, he sent four regiments from Ireland, to join the duke of Cumberland. Upon his return, being asked by the King, whether there were many dangerous Papists in Ireland, he replied, "that he had only discovered two, in the persons of two handsome young ladies of the name of Devereux, who had danced at the castle, on his Majesty's birth-night."—This head may be closed with an observation made by a noble friend, many years since, in reference to the condition of some of his own countrymen, "that after having served their country with fidelity and honour, and after having bled in her cause, they were liable to be ruined by fines, and subject to punishments fit only for felons."

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* One of these commissions to the rev. B. O'Brien, is dated 1 Oct. 1794, and that of the rev. J. Macdonnel of the (Scotch) Glengary fencibles, 14 Aug. 1794. All the regiments of Irish brigade have had chaplains appointed to them, whose commissions were all signed by his Majesty.

* In the year 1780, when fewer Catholics entered the service than at present, the crew of the Thunderer of 74 guns, commodore Walsingham, was composed two thirds of Catholics.

A learned gentleman, in an interesting collection of Memoirs* recently published, addressed to the University of Oxford, has asserted, that "the provisions of the marriage act have been complied with, by the Catholics, without objection." Sir J. H. could not agree with him in this assertion, having considered it as a well-established fact, that the provision of the act, by which Catholics are obliged to submit to the marriage ceremony in the Protestant church, has, for half a century, been a subject of complaint amongst Catholics, and particularly of their clergy. On the known principle of their church, that it is unlawful for Catholics to join in acts of religion, or in any sacred rite, with others of a different communion, the late Catholic bishop Challoner considered himself bound to consult Rome on the subject, and, in his pastoral instruction, addressed to his clergy in the London district, in 1759, charged them to caution Catholics, as much as possible, against going to the Protestant church to obtain the sanction of the marriage ceremony. In 1791, the Catholic clergy certainly expressed a wish to obtain redress of this grievance; they have no objection to be placed under restrictions similar to those of our marriage act. In speaking upon the subject some years since, sir J. H. then observed, that they contended only that the sacramental essence should be reserved to the spiritual primacy, and that the civil effects should wholly be regulated by the civil jurisdiction. Both in Ireland † and England, it is of great importance that this solemn contract should be established and legalized by some unequivocal and uniform act. Sir J. H. could venture to assert, that all those Catholic prelates with whom he has ever communicated, would be content that a registry was established by the civil magistrate, which might be certified and registered at the general courts of quarter sessions. The Quaker, and even the Jew, are by a provision of the marriage act itself, exempted from the penalties and disabilities imposed by it on others. Some writers have contended, as it has been observed, that the discipline of the council of Trent is paramount in Ireland. The fact is, that, in the arch-diocese of Dublin, and in the dioceses of Meath, Kildare, Ossory, Fernes, and in the wardinate of Galway, containing a vast mass of Catholic population, the discipline of the council of Trent has never been received, and of course has no canonical operation upon clandestine marriages. The regulations of the council of Trent exact the presence of the parish priest, two witnesses, and the consent of parents and guardians in the case of minority, as are also required by the statute of 26th Geo. II. The consequence is, that marriages, which, under certain circumstances, are deemed valid, in each of the dioceses that have been mentioned, are considered as null and void, in all those districts where the discipline of the council of Trent has been received:—The whole of Great-Britain, as well as France, stands in the predicament of those six dioceses.* Nothing more need be said to urge the propriety of some state provision, in concurrence with the wish of the Roman Catholic clergy, on this point, to remedy what cannot but be considered as a serious evil, particularly as affecting the descent of property and honours, which cannot be secured, as the law now stands, without a violation of the liberty of conscience. It should indeed have been stated, that, within certain prohibited degrees, a dispensation of the Pope is absolutely necessary; but, by the statute of the 13th of Eliz. such dispensation exposes the parties receiving it to the penalties of high treason.†

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* The rev. J. Robertson, one of the professors of Maynooth, was selected for this dangerous service; and the rev. ——— Plunkett, a Roman Catholic priest, was sent from Chatham to the Nore to endeavour to appease the mutineers.

* Memoirs of the Catholic question, by J. F. Dillon, esq. of Lincoln's-Inn, barrister-at-law.

† In Ireland the certificate of a Roman Catholic priest marrying a Catholic to a Catholic is admitted as evidence to substantiate the marriage.

In attempting to rescue that vast class of the community from the operation produced on the public mind, through ignorance, or wilful misrepresentation, it may be proper to advert to certain other charges against them collected, with great industry, by a learned and right hon. gent., not at present in his place, but who, on a former occasion, had favoured the House with the result of his elaborate researches into general councils and decretals, and has recently given to the public the concentration of all his former labours, in a work intitled, "The nature and demands of the Irish Roman Catholics." The attack therein made upon the administration which he honours with the name of "the Talents," is not the least prominent part of his work. He compliments the wisdom of his Majesty, in discovering their intrigues, and removing them from his councils, and "thus rescuing the nation from their machinations," adding that, thus removed, "they fell with the universal execrations of every good subject in the empire!"—He has, however, omitted to state how soon it happened after "their fall," that his right hon. friend the Chancellor of the Exchequer, who now presides in his Majesty's councils, and to whose hands, as himself declared, "His Majesty, bound by his regard for the establishments and religion of his country, had confided the administration of his affairs, upon removing them from those to which they had lately been entrusted:"—how soon after that removal, he had invited a noble lord, at the head of that so execrated administration, with his friend, a noble earl, to resume their seats in his Majesty's councils in order to give strength and stability to the government! The learned author has also omitted to inform us, how much the more recent and better informed opinions of the Chancellor of the Exchequer appeared to have been seconded by that graceful array of the high prelacy of the church, who supported the election of the noble lord to the office of Chancellor of the most ancient seat of learning and religion in the United Kingdom.

It is to be regretted, that the strength of the learned gent.'s prejudice has not yet yielded to the force of such bright examples for his imitation. But we will still hope for his support of measures better suited to the state of the empire, than the re-enactment of the Anti-Catholic criminal code. We know, that in 1798, contemplating the union, he has recorded, in a letter to the right hon. mover of the question now before the House, his opinion, "that were we one people with the British nation, the preponderance of the Protestant body in the whole empire would be so great, that all rivalships and jealousies between Protestants and Romanists would cease for ever, and it would not be necessary to curb Romanists by any laws whatever."*

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* In France, where any part of the discipline of the council of Trent has been received, it has been in consequence of a national regulation, independently of the authority of the council.

† Vide this question stated more at length, in sir J. H.'s "Substance of Additional Observations." Faulder, 1806.

This learned writer has often imputed to his Catholic brethren, that "they are taught that all engagements, stipulations, or agreements with heretics, though confirmed by oath, are, with the oath, absolute nullities;" but the truth of this imputation he has not invariably maintained, for, in the Irish House of Commons in 1793, the oath now taken by the Catholics, was introduced by himself; which oath was founded upon the letter of their own declarations, in fact identified with them. "The Catholics have been charged (says the learned and right hon. gent., on that occasion) "with holding tenets injurious to the social compact, by which states subsist. The belief that this charge was true, was one great reason for not entrusting them with power—their declaration denies the charge—I am glad they do—I believe them to be honest men—and desire they will swear to their declaration!!!" Admirable consistency!

The act of the 33d of his present Majesty, ch. 44, has used more defined terms, speaking of the penalties and disabilities to which Catholics are subjected by the 8 and 9 of William III. than had been used in any other act—the preamble states that "the rigour of the aforesaid act, at the time of its passing, was chiefly judged expedient in order to preserve the government against the attempts or efforts of those persons, who then did, or were supposed to acknowledge the temporal superiority or power of the pope or see of Rome, which is contrary to and inconsistent with the allegiance of the subjects of the said realm."——The preamble of the act of the 31st of the present reign, had before declared, "that certain principles have been attributed to them (the Catholics) which are dangerous to society and civil liberty, and which they are willing to disclaim."

Sir J. H. here read† several passages from Dr. Duigenan's publications, and then observed that the British and Irish Catholic subjects of his Majesty contend,

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* Letter of Dr. Duigenan to Mr. Grattan, 1797.

† The following passages are extracted from different publications of the right hon. P. Duigenan, LL.D.—"I ask this author (of the Case of Ireland reconsidered), whether he can produce a single instance on which a state, having sufficient power to exclude all traitors from its sovereignty, voluntarily called them to the exercise of supreme power? This would be the case, if Romanists in Ireland were admitted into the Houses of Lords and Commons.—Shall we give voices, in the supreme legislative assembly, to those who are taught by their religion, not only to renounce and disobey, but to vilify and traduce the supremacy of that legislature; and who thus allay superstition with treason, and, as it were, sanctify rebellion?"—Dr. Duigenan's "Fair Representation of the State of Ireland."

1779.——"The Romanists of this day complain of the laws which enjoin the taking of this oath, declaring that they cannot in conscience take it, that it is to them an exclusive oath, as they cannot set in parliament without taking it; and they and their abettors (among whom in this point they muster all the Jacobins in the country,) desire to have these laws repealed. They plead thus: We are from conscience traitors to our country; we maintain that our country is subject to a foreign power; we are always ready to support the authority of that foreign power in every possible way, by arms or otherwise, and to bow down our country to its authority; we therefore demand the repeal of the laws which oblige us to swear allegiance to the constitutional governing powers of our country: it will enable us to procure seats in the great supreme council of the nation; and confer power on us to betray the independence of our country. The Pope and all our divines assure us, that we are bound in conscience to do so, when we shall procure power. Pursuant to this doctrine, we the Catholics, will endeavour by every means in our power, to free ourselves from that usurpation; and pray, good Protestant usurpers, assist us in doing so! put us into a capacity of effecting it! that is, of betraying our common country to dependence and slavery!—After this exposure of the present Romish religious principles, so radically hostile to the temporal government and established constitution of the British empire in church and state, of such antiquity, of such indisputable authority, and of such recent avowal, let the supporters of the present measure inform the House, at what period, and by what public authority, did the Romish church or its votaries renounce or disavow these principles, or any and which of them. It that such principles as are ascribed to them in those passages, were never held by them, nor could ever be held consistently with the known tenets of their faith and discipline. General Councils and decretals of Popes have been arrayed against them by their opponents, to prove the charge ;—to this they plead the general issue, "not guilty," and specially they plead, that an examination of those councils and decretals, combined with a knowledge of the extent of obligation imposed by them upon Catholics, and with the evidence of the conduct of Catholic subjects in the most trying times, ought to establish their full acquittal from such a charge.

The dispensing,* and consequently the deposing doctrine, are also prominent among the accusations advanced against the Catholics; and these are taught, say their adversaries, by the 3d and 4th councils of Lateran, by the council of Constance, and fully recognised by the council of Trent; the last general council constituting the great code of Catholic faith and discipline.

To enter upon the detail of all the charges made against his Catholic fellow-subjects, by the learned and right hon. member whose opinions have just been noticed, would be but little suited to the patience of the House—it is to be regretted that he has found so many supporters of his erroneous and injurious opinions among that venerable class of society whose education and profession must naturally lead to investigations, which, it were to be wished, had produced different results ; and it is to be regretted, that

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is notorious they never did."—Dr. Duigenan's Speech on Mr. Fox's Motion. Hatchard, 1805.

The decree of this fourth Lateran council, that all engagement, stipulations, or agreements with heretics, though confirmed by oath, are, with the oath, absolute nullities, affords a full answer to a specious argument used by Romanists, and their abettors, against what is so often, and with so much reason, objected to them ; that they do not consider themselves as bound by oaths.—Again ; The decrees of this council (Lateran) are specially recognized, acknowledged, and confirmed, by the subsequent general councils of Basil, Constance and Trent ; they are warranted by the constant practice of the Romish see, ever since their promulgation ; they are declared, by all, or the great majority of the principal Romish divines, to be infallible authority in points of doctrine or morals. The zeal of the Talents' ministry to aggrandize Popery, as well in England as in Ireland, at length outran their policy and discretion. They attempted, with great dexterity, to surprise his Majesty into approbation of a measure of dangerous tendency to the Protestant establishment of the empire, to wit, to enable Romanists to fill the highest command in the military force of the empire, as well by land as by sea, and to procure the royal assent to a bill for that purpose. The sagacity of his Majesty discovered the intrigue ; he reprobated the measure, as a meditated invasion of the constitution, he was as much dissatisfied with the mode in which it was conducted, as with the behaviour of the party, when they were detected, which was not very respectful to the Sovereign, who immediately removed them from his councils and their employments, and rescued the nation from their machinations. They fell with the universal execration of every good subject in the empire, and their flimsy endeavours afterwards to excuse or extenuate the attempt, were received with derision. The Talents' ministry, discarded in the manner before-mentioned, and now forming the first, or the aristocratic class of malcontents, determined to redouble its exertions in encouraging the claims of the Irish Romanists.—Irish Romanists, who were most numerous among the peasantry, had procured considerable influence, as forty-shilling freeholders in county elections, issued orders to their agents in Ireland, to support every candidate for the representation of a county in Ireland, who professed himself attached to the Romish interest : by these means they procured some of their party in Ireland to be returned members of the imperial Parliament, and such men were by them held forth as Protestants, though actually destitute of all religion!!!"—Dr. Duigenan's "Nature and extent of the demands of the Irish Roman Catholics fully explained." Stockdale, Pall-Mall, 1810.

* It is not contended that all oaths are of eternal obligation : the sovereign authority, in every state, exercises a dispensing power, when it has a legitimate authority, over the parties or over the subject of the oath or other engagement.

such charges should be reiterated, under the sanction of an assembly which must necessarily give great weight and solemnity to the accusation, and materially tend to counteract the endeavours of those who have sought, in the spirit of legislated truth, to promote the prosperity and strength of all his Majesty's dominions, by assuring "his subjects of all denominations the blessings of a free constitution, and binding them to each other by mutual interest and affection *."

Although nearly the whole substance of what is asserted in those passages might, without meaning any personal offence to the learned author, be justly answered by the simple counter-assertion "it is not true;" yet as the charges therein made have not failed to excite very unfavourable impressions, and have often been cited by those who naturally imagine that the author must have had great advantages of information, it becomes a duty to this House, now sitting upon a petition affecting the civil rights of so many millions of our fellow-subjects, that members having the means should resort to them, in order to disabuse the minds of those who have given credit to such calumnies.

It is painful to press upon the attention of the House such a frequent recurrence to those antiquated councils; but as they constitute the great engines of attack against the Catholic claims, we ought to examine them with attention, especially on the points so often recurred to in the speeches and writings of the learned and right hon. gent. It is of importance here to consider what construction is given to those canons, and to the decretals of certain Roman Pontiffs, by the states, and individuals which are in known communion with the See of Rome, and above all, to ascertain whether the See of Rome herself actually holds those doctrines which are imputed to her:—we shall find it otherwise.

We know that the opinions of foreign universities have been resorted to, at the instance of Mr. Pitt:—we know their answers, but the learned and right hon gent. not being able otherwise to combat the refutation thereby so decidedly given to his own assertions, has told us, in his last publication, that "it is not stated upon what authority the authenticity of these answers depends," and that "they were produced and published by a Roman priest of the name of Hussey, educated in Spain." So also, speaking of "the principles of Roman Catholics from the prayer-book," which, "he admits, is in general use among the Catholics of Ireland;" he considers them as depending "merely on the authority of Dr. Coppinger, R. C. bishop of Cloyne.

As to the answers of the six Catholic universities, namely of Louvain, Douay, the Sarbonne, Alcala, Valladolid, and Salamanca, they have been often printed, and their valadity rests on the regular official attestations of the principal officers, which were all verified to the satisfaction of Mr. Pitt: and sir J. H. said, that he is in possession of the original letters of two of the prelates who procured them. No fact can have been better ascertained.

With respect to "the principles of Catholics" on this subject, resting on the authority of Dr. Coppinger, it is well known that they are annexed to a work, printed in the year 1682, and written by Gother, whose merits have been recognised by the late bishop Law, (of Elphin.) "The Catholics in my Diocese (said this venerable prelate) are numerous; I know I cannot make them Protestants, I wish to make them good Catholics, and to that end, I put into their hands the works of Gother, an eminent Roman Catholic divine."—We will avail ourselves of as much at least of Dr. Coppinger's re-publication of Gother's work, intitled, "Catholic Principles," as the learned gent. has inadvertently admitted into his own pamphlet.

"As for the king-killing doctrine, or murder of princes excommunicated for heresy (says Gother,) it is universally admitted in the Catholic church, and expressly so declared, in the council of Constance, that such doctrine is impious and execrable, being contrary to the known laws of God, and nature.

"It is also a fundamental truth in our religion that no power on earth can license men to lie, to forswear, or perjure themselves, to massacre their neighbours, or destroy their native country, on pretence of promoting the Catholic cause or religion." The Catholics are bound to acknowledge, at least, this favour done them by the learned and right hon. gent., in admitting this small extract from the comprehensive and strictly loyal work of Gother.

The learned gent. should also be told,

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* Preamble, Irish Act, 1778.

that an answer similar to the one given by the universities in 1788, was given, long ago, on their being consulted by Philip II, after the death of Sebastian, king of Portugal, when the pope, Paul IV., in the year 1580, pretended to judge of his claim to that kingdom: they then replied, that "the pope had no right to interfere, since it was a mere temporal concern, and was not mixed with any thing subject to the cognisance of the spiritual court. For the regal form of government being once adopted, it is understood to be the prerogative of kings and of their successors, that all jurisdiction should be in their hands, and that they should not be judged by others."*

As to the councils of Lateran, Constance, and Basil,—we cannot, in candor, readily see what connexion they have with the question now before the House, unless it be contended, that modern Catholics are to do penance for the sentiments of men who lived four or five centuries ago. It is, indeed, said of the Catholics, that they maintain that the Catholic church never changes, and if those councils hold those doctrines, they, the Catholics, must now also hold them. They however will say that the inference is not just, and it will only follow, if the premises be true, that those are in error who suppose that the Catholic doctrine has not changed.

But if those councils must be pressed into the discussion, it may be said that neither they, nor any other, ever declared that the deposing and dispensing doctrines are parts of the Catholic faith: consequently, all Catholics are at liberty to renounce them; and the only question must be, whether those councils did actualy exercise or vindicate to themselves the deposing and dispensing power? It is well known indeed, that the council of Constance deposed three popes, though this is a fact which the learned and right hon. gent. has not condescended to notice.

In which-ever way this be determined, it cannot affect the present Catholics, as they do not acknowlege, but have expressly renounced, on their oaths, the existence of such powers in any council, much less in any pope. We will not deny that some of these councils did assume such powers in a certain degree, not however as belonging to them ex officio, but as conferred on them by the free consent of the temporal authorities. It must be recollected that, before the dismemberment of the empire, the emperors frequently enforced the observance of the ecclesiastical canons by temporal laws, and also that, after the conversion of the barbarous nations, their princes did frequently, in dubious cases (particularly those of a mixed nature, partly temporal, and partly spiritual,) submit themselves to the decisions of the pontiffs, and request them to confirm their temporal laws by the spiritual authority. In such cases the popes certainly did not usurp any power, since it was freely given to them.

The famous decree of the council of Lateran, so much objected to, will be found as a constitution of the emperor Frederick, and in the precise words of the canon—though, as a canon, even its authenticity is called in question by the Catholic bishop Hay, and by Collier and other Protestant writers. The canon, nevertheless, appears in several collections of the councils, nor is it necessary to dispute it, inasmuch as it is not a canon of faith, nor was ever considered as such by any Catholic.*

Those councils may all be considered as general parliaments of Christendom, the lords temporal and spiritual being assembled, and almost every Christian sovereign, with the emperors of the East, and of the West, being present, either in person or by representation. On those occasions, the temporal princes (and it must be recollected, too, that the abbots often held great temporal sovereignties) often advised the bishops to enforce their canons with the threat of temporal punishments, and promised to see that such threats were executed. It is well known that the emperor Sigismond, whose safe-conduct to John Huss, the council of Constance is accused of having violated, declared in that council, that if Huss did not retract "himself would light the first faggot at his pile!"

The assumption of such power by general councils under such circumstances, cannot therefore be said to be usurpation, as it was only assumed with the consent of the civil authorities, and could have no effect without their concurrence.

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* De Thou. Hist. part 3.

* The distinction between canons of faith and discipline, and the relative obligation imposed by them, should ever be kept in view, in the discussion of this question.

To shew that this is not an imaginary theory, it is to be observed, that the same doctrine is laid down in the first of the canons that inflict or rather threaten temporal punishment, namely, the last canon of the third council of Lateran: It begins by stating,—"Although the discipline of the church, which is confined to the exercise of sacerdotal jurisdiction, does not inflict sanguinary punishments, yet it is assisted by the constitutions of catholic princes; so that men may often have recourse to a salutary remedy, when they are in dread of some corporeal chastisement, &c." This canon, as well as the 3d canon of the 4th Lateran, were published among the imperial constitutions, by Frederick II. at the request of Honorius III. on the day of his coronation: a proof that the pope considered them as belonging properly to the civil power. The manner in which the deposition of Raymond count of Thoulouse, according to the 3d canon of the 4th Lateran, was effected, claims attention, and may be urged as a proof that that canon was considered as published by the united authority of the church and the state. It was done, says Rigordus, "Innocentio procurante, et Philippo rege concedente." Again, the chronicle of Tours, describing the petition of Amalric, the son of Simon Montfort, for the restitution of the county to him, says he produced "litteras Innocentii et Philippi, in quibus continebantur comitis damnatio, et terræ patri suo donatio." Here we see that both powers concurred to the execution of the canon: the condemnation of the count, for adhering to the heterodox opinions of the Albigenses, belonged to the pope, but the transfer of his property, to the king.

This general answer may be given with respect to the councils, without entering into any discussions about the particular canons. A mistake, however, is frequently made in regard to the "Domini principales," in the third canon of the 4th Lateran: Catholics contend, and it seems with reason, that those words cannot mean sovereigns, as is often supposed; since, they occur, in the same manner, in the constitution of Frederick II. which could only bind his own vassals. They may however have in view those who held lands by free allodial tenure, and acknowledged no superior lord of the soil.

It is fair to note also the frequent disavowal of these doctrines by the English Catholics, not only since the beginning of the last century, but also, in the years 1570, 1602, 1660,* and the public disavowal of them by the clergy of France, particularly in 1682, since which year, every candidate for theological degrees graduating in any university, maintains his public disavowal of them. It is not to be expected that we should meet with many disavowals of them by the popes themselves; it is sufficient that they have been long silent on the subject. Their silence is a proof that the catholics will not admit of such pretensions. This was sufficiently shewn in the inefficiency of the sentences of deposition issued by the popes against Henry VIII. and Elizabeth. Notwithstanding these bulls, every Catholic prince in Europe admitted them to be legitimate sovereigns. We have only to advert to the conduct † of the subjects of those princes, at the same period, when nine-tenths of the population of their dominions were, probably, of the Roman catholic communion.

Lord Bacon, in his life of Henry VII. says, he added among his titles that of "The sanction or approbation of the sovereign pontiff," as his successor did that of "defender of the faith." If princes allowed this power to the See of Rome, no wonder it was accepted: nor is it any wonder that individual pontiffs sometimes have abused it. We know that the dispensing power has been assumed and exercised by some of our monarchs, in the face of the law of the land.

In Caron's Remonstrantia Hibernorum, published in 1665, will be found a declaration signed by most of the deposed Catholic bishops and abbots, soon after the bull of pope Pius, declaring, "that notwithstanding that bull, or any other bull that might be issued, they held Elizabeth for lawful queen of England." Caron refers for collateral proof to Burleigh, in his book, "Execution for Treason," and also to the "Catholic Apology;" which, sir J. H. observed, he had brought with him to the House, in the persuasion, that if a learned and right honourable member had been present, he should have found abundant use for it. The copy was printed at Douay, in 1604.

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* Vide Dodd's Church History.

† On this subject it will be interesting to refer to the arguments and examples cited in "Gillow's Principles of Allegiance illustrated," printed at Newcastle, 1807; who takes as his motto the following passage from "Clarendon's history of the Irish Rebellion:"—"Away then with the antichristian spirit of defending what has been done amiss, only because it hath been done, and of discrediting the catholic religion, as if it would not suffer its children to be dutiful and loyal subjects to protestant kings and princes."

An adjuration of the date of 1660, is also found in the same work of Caron, which says:—

"I swear, that notwithstanding any declaration or sentence of excommunication or privation—notwithstanding any absolution of his subjects from their fidelity, I will pay true fidelity to his Majesty, and, to the best of my power, will defend him, against all conspiracies, &c.—moreover, I swear that from my heart I do abhor and detest that doctrine as erroneous and heretical, that princes may, on any pretext be put to death by their subjects, or by others."

A declaration of 1602, signed by thirteen missionary priests, in Dodd's church history, is of the same tenor; and it is remarkable that the first person, whose signature appears to it, Dr. Wm. Bishop, was the first Roman catholic bishop appointed, in this kingdom, by the see of Rome, after the reformation. The dying speeches of lord Stafford and the others who suffered for Oates's conspiracy, collected in Dodd's history, attest the same principles. It may be said that Dodd was a catholic writer; the inference will only be the stronger in favour of principles which he has taken so much pains to uphold and circulate.

Sir J. H. here read the following extract of lord Stafford's speech on the scaffold, on the 29th of December, 1680.* "I have no reason to be ashamed of my religion; for it teacheth nothing but the right worship of God,—obedience to the king, and due subordination to the temporal laws of the kingdom."—"And whereas it has been so much and so often objected, that the church holds that sovereign princes, excommunicated by the pope, may, by their subjects, be deposed or murdered;—as to the murder of princes, I have been taught, as a matter of faith, in the Catholic church, that such doctrine is diabolical, horrid, detestable, and contrary to the law of God, nature, and nations.—As for the doctrine of deposing princes, I know that some divines of the Catholic Church hold it, but as able and as learned as they have written against it. Wherefore, I do here, on my conscience, declare, that it is my true and real judgment, that the same doctrine of deposing kings, is contrary to the fundamental laws of this kingdom, injurious to the sovereign powers, and consequently, in me, would be, or in any other of his Majesty's subjects, impious and damnable."—"It is much reported of indulgences, dispensations, and pardons, to murder, rebel, lie, forswear, and commit such other crimes held and given in the church.—I do here profess, in the presence of God, I never learned, believed, or preached any such thing, but the contrary, and I speak this without equivocation or reservation whatever.*"

Lord Stafford, in his speech, also alluded to a letter on catholic principles, (which was afterwards printed in 1683.) It says—"If a general council, much less a papal consistory, should undertake to depose a king, and absolve his subjects from their allegiance, no catholic, as catholic, is bound to submit to such decree: nor do catholics, as catholics, believe that the pope has any direct or indirect authority over the temporal power and jurisdiction of princes."

In the same collection, said sir J. H., are found the dying-speeches of most of those executed in consequence of Oates's perjuries, and other actual or supposed plots.—They all breathe the same doctrines, and it may be fairly inferred, that such were not only their doctrines and opinions, held by the unfortunate sufferers themselves, but of the priests who attended them at the hour of death, and whose influence, if we are to believe all that is ascribed to them, is beyond all bounds of imagination.

It is impossible, on the present occasion, to pass over a recent publication of a work, entitled; "Occasional Essays on various subjects,"—comprehending various tracts originally published in the reigns of Elizabeth, Charles I, and Charles II. &c. without noticing two of those tracts, to which it is astonishing that any person of candour and liberality can assist in giving currency. The editor is well known to be an eminent and learned gentleman, deservedly in the highest estimation of his friends, and it must ever be desirable that the *Carus Amicis!* should be coupled with the *Patriæ idoneus*!

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* See 7 Cobbett's State Trials 1564.

* This extract of lord Stafford's speech has been collated, since the first edition, with an original copy struck off on the day of his execution; now in the possession of sir George Jerningham, bart. whose claim to the peerage of Stafford is now before the House of Lords.

The first of these tract, is styled, "The Papist's bloody Oath of Secrecy,"—given by W. Rushton to one Robert Bolron, 2 Feb. 1676-7.—Bolron is stated to have been sworn, "to defend the pope's right against the now pretended king of England, to renounce all allegiance to him, to root out the Protestant doctrine, &c. &c." It is followed by relating, that a priest, by the name of Thwing, (a nephew of sir Thomas Gascoigne,) and Rushton, another priest, swore Bolron under this oath, and that the object was to bring the then duke of York to the crown, that he went to confession, swore the oath, and received the sacrament.

In January, 1679, sir Thomas Gascoigne, in the 85th year of his age, was tried for High Treason on the evidence of this Bolron and one Mowbray: both of them were Papists who had abjured.—After a trial in which the judges appear to have well seconded* the efforts of the witnesses, sir Thomas Gascoigne was acquitted. It appeared on the trial, that both Bolron and Mowbray had defrauded sir T. G. and were not to be credited.—It is remarkable upon this trial, (which is found in the State Trials,) that Bolron says not a word of this oath. The chief justice asked Mowbray, "Whether he took the oath of secrecy? and what it was?—Mowbray answered, that "Rushton reserved the sacrament for me, and swore me by it, that I should be faithful and secret, and not to reveal any discourse I was privy to"—Not a word of this bloody oath—but a mere oath of secrecy.—In July 1680, Thwing was brought to trial, and, on the evidence of these same men, perjured and discredited as they had been on the former trial, was convicted and executed.—Lord Stafford was arraigned on the 30th of November, and executed on the 29th of December, 1680: the feelings of the public were strongly in favour of the prisoner; and on the 16th of December, 1680, while the axe was suspended, as it were over the head of this unfortunate nobleman, the House of Commons ordered, by a vote, the printing and publishing of this "bloody oath" which contains the internal evidence of fabrication, and could impose only upon such as are among the lowest and most ignorant classes of society.

The other tract, "Rome the great Custom House of Sin," follows:——a mass of the most stupid and ignorant fabrication, built on the Taxæ Cancellariæ Romanæ,"* and assigning the prices of pardons, for offences not to be named!—the most offensive parts of the tracts are marked by the N. B. of the editor, whom one cannot but regret to see thus carried away by the most idle and vulgar tales. The injury however to society must be great, and the odium, cast, by the republication, upon some of the most distinguished families in Yorkshire, is not of light consideration.—The learned editor, however, has discovered that he is no enemy to the dispensing power, when exercised by the legislature; for he proposes a bill to enable Roman Catholic bishops and priests to marry, and to legitimate their children, any oaths, vows, &c. to the contrary notwithstanding!"*

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* Oldmixon—a history not very observant of accuracy in details adverse to the Catholics—speaking of the conduct of the judges on the trials of the persons accused by Oates, &c., has the candour to admit —"That the court began to grow weary of indulging the zealous Protestants in the prosecution of the plot: and it was intimated to Scroggs, the chief justice, that he must abate of his fury if he hoped for favour; and we shall find that he will change his tone in the trial of sir George Dukeman, and turn his rage against the witnesses which he had hitherto very inhumanly employed against the criminals." —Oldmixon, Hist. of the Stuarts, vol. i. p. 635.

* The Roman Chancery is a spiritual court which has cognizance of the collation of benefices; dispensations from canonical impediments of marriage; and absolutions from canonical censures incurred by scandalous crimes, but in no case of absolutions from sin. The canons of the established church, of 1640, provide also "the commutation of any penance, in the whole or in part—and that the monies received for such commutation be disposed of to charitable and public uses."—The absolutions of the Roman Chancery are styled in *furo externo,* as they regard only the remission of punishments inflicted by the canons, or the removal of ecclesiastical disabilities incurred. Fees are required by the officers who transact the business of the court—but these are not the price of sin, or of the absolution granted, any more than the fee paid to the clerk of a magistrate who administers an oath, is to be considered as the price of the oath. The fees are for the expedition of the business, and for the support of the officers of the court.—Mulcts or fines are sometimes imposed by the Roman Chancery, for charitable uses, on those who obtain dispensations, by way of satisfaction or restraint.—To attempt a serious refutation of the imposture of the above noted tract, is too degrading a penance to be imposed.

In an ancient book, intitled "La Grandeur de nos Rois et de leur Souveraine Puissance," the only one he had ever seen, and which sir J. H. said was in his possession, was a decretal epistle of Innocent III. who presided at the fourth Lateran council, and of course was most competent to interpret the decrees, which his successor and relation, Gregory IX, always asserted were of Innocent's own compilation. This decretal is addressed to Noble V. de Montpelier, and printed in Spain, in 1576.

"As the king (it is observed) is inferior to us in spirituals; so you are subject to us in temporals, as well as in spirituals, in consequence of a part of the territory which you hold of the church of Magalone, which acknowledges the see of Rome, as its lord." Again; "As the king acknowledges no superior in temporals," &c. &c.; also, "We would not prejudice the right of any other; nor usurp an authority which is not our due, well knowing that Christ has said, 'Render unto Cæsar,' &c." The compiler then remarks, that "this decretal of the Great Innocent III. is of high authenticity, as it recognizes the king to be paramount in temporals, and that the sense is clear and the words precise." The same Pope, in another decretal, (the collection of Antoine Augustin,) speaking of France, says, "We will not judge of the king's fief; it is the king who is to judge," &c. &c. The author then cites the authorities of ten popes, holding the same language, of general and provincial councils of various states, of the fathers of the church, &c.; and brings his work down to the arrêt of parliament, sitting at Tours, condemning certain edicts of Gregory XIV., and pronouncing that Pope to be an enemy to the peace and union of the Church."

Sir J. H. then more particularly adverted to the various declarations and adjurations of the Catholic subjects of this realm, from the period of the reformation to the present day, disclaiming all the tenets now objected to them: he referred again to the answers of the six universities which had been procured at the instance of Mr. Pitt. He also observed, that it was of great importance to refer to the "Tractatus de Ecclesia," or Class Book of the Theological Students at Maynooth College; in which all the obnoxious doctrines imputed to Catholics, are distinctly disclaimed and reprobated. The last and not the least impressive authority he should now quote, is that of the late Pope Pius VI. addressed to the Roman Catholic Bishops of Ireland, 1791. "In this controversy, (says the See of Rome,) a most accurate discrimination should be made between the genuine rights of the Apostolical See, and those that are imputed to it by innovators of this age, for the purpose of calumniation. The See of Rome never taught, that faith is not to be kept with the heterodox: that an oath to kings separated from Catholic communion can be violated: that it is lawful for the bishop of Rome to invade their temporal rights and dominions. We too consider an attempt or design against the life of kings and princes, even under the pretext of religion, as an horrid and detestable crime."

Sir J. H. observed, that with these quotations from irrefragable documents, establishing, at different epochs, the uniformity of the principles of the Roman Catholics, he should leave it to the House to decide between the assertions of the learned civilian, and the weight of those authorities, as affecting the great cause now before them. It is admitted that the charges against them do not rest on the individual authority of the learned civilian: He has found many supporters, of all classes and conditions—many men, many women, and many children—and perhaps the last have most reason on their side in favour of their prejudices, as the loss of their annual bonfire, in the rubricated orgies of the 5th of

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* Vide a proposed act of parliament for the regulation of the government of Canada. Printed in the same volume of tracts.—(White, Fleet Street.)

November, would naturally be a source of much infantile chagrin![*]

Much more might be urged, and indeed ought to have been urged, but sir J. H. said, he could not but perceive that the disposition of the House, at that late hour, was little suited to such details. In a committee, the question certainly could have been better discussed, but he feared there was but little chance, that such a committee would be acceded to. Sir J. H. said, he had spoken with frankness, and though his own labours in the cause, seemed, from what he had lately heard, to be less valued by his friends on the other side of the water, than they had been at a former period, he was not less disposed to serve them—not from its being abstractedly the cause of the Catholics, but as it was the cause of the empire, "the union of all," as the legislature itself pronounced it, "in the bonds of reciprocal interests and affection." To the Catholic and Protestant bigot he felt himself equally indisposed; and he recommended to many Catholics to desist from their flippant, ill-directed attacks on their firmest friends, and not out-strip their adversaries in the race of calumny: they had to combat the honest prejudices of a great people, the early impressions of youth, and the force of inconsiderate zeal, as well as the timidity and defect of information in a great portion of their fellow-subjects. It was a melancholy truth, that the best informed on other subjects, philosophers and statesmen, were often most ignorant of this, which vitally affected the interests, the feelings, and the honour, as he had before observed, of millions of the people, and the security of the empire itself! Repeated discussions in this House, and out of it, had done much, and would do more. As, on a former occasion, in speaking to this question, so would he again advert to the memorable words of Mr. Burke; "Our constitution (said he) is not made for great, general, proscriptive, exclusions; sooner or later it will destroy them, or they will destroy the constitution." Unfortunately, some acrimony had recently been excited by misconception and misrepresentation, but he trusted it would subside and be forgotten. "Iliacos intra muros peccatur et extra." In the choice of measures, he only wished to see those adopted that could insure the great ends of conciliation by the least exceptionable means; to secure the right of conscience for every description of our fellow-subjects, and to guard religiously the bulwarks of our constitution for the prosperity of all. To promote this great object, he cheerfully seconded the motion of his right hon. friend.

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[*] In the "Protestant Catechism, shewing the Papal errors of the Church of Rome," printed by order of the Incorporated Society in Dublin, for promoting English Protestant Schools in Ireland, 8th edition, is found this question: *Q.* How do the Papists treat those whom they call heretics?—*A.* They hold that faith is not to be kept with heretics, and that the Pope can absolve subjects from their oaths of allegiance to their sovereigns.—In the same train of misrepresentation are compiled some of the little tracts of the Sunday-School Union Society; particularly one, intitled "The Powder Plot;" in which, Mr. Wickliffe teaches the history of the Fifth of November; commemorating "The desperate attempt of the Catholics to establish Popery again;" and, in various passages, misrepresenting the religious tenets, and reprobating the moral principles of Catholics.

To the sentiments and efforts of such misjudging supporters of our Establishment, may be well opposed the better regulated opinions of an enlightened Statesman, whose recent loss to his friends and his country, and at such a crisis, can never be sufficiently deplored!

Extract of a Letter from the right hon. W. Windham, to sir J. C. Hippisley, bart. previous to the debate on the Catholic Question, 1808.

"The short argument is, that in this, as in other cases, you must chuse between opposite dangers; and that the danger to be apprehended from leaving the Catholics of Ireland in their present state, is greater than any that can be supposed to arise, in whatever length of time, out of the increase of their present privileges. If the Church be necessary to the State (as it is), the State must be acknowledged to be equally necessary to the Church; and what is to become of the Church of England, should England itself be lost? or how shall England be maintained, if the French should set a permanent footing in Ireland? The condition of Ireland is, for the greater part of its population, that of a sort of semi-barbarism: which not only keeps that country in a depressed state, deprived, for the greater part, of those advantages, which nature seems to have intended for it; but renders it, in the present circumstances of the world, a source of continued and imminent danger to us. This depressed and disordered state seems to have been altogether produced, by the system of laws and government adopted originally, perhaps necessarily, but since continued unnecessarily. With respect to the Catholics; without converting them, the only operation of these laws has been to brutalize and barbarize them, rendering them at the same time our enemies. Of these laws, the greater part have, during the present reign, been repealed; and, upon the principle, as also with a view to convey to the Catholics the real and practical benefit of what has already been done for them, it would be right, in my opinion, to repeal the remainder. The danger of such repeal, even at any period the most distant, I cannot persuade myself to be any at all. If the Church of England is ever to be overturned, or undermined, it will not be by the Catholics, but by sects of a far different description, or by persons of no religion whatever."

The moment the hon. bart. sat down,

Mr. *O'Hara* moved an adjournment; and it was agreed, after a short conversation, to resume the debate on Thursday next.

HOUSE OF LORDS.

Monday, May 21.

[DUKE OF BRUNSWICK'S ANNUITY BILL.] On the second reading of this bill,

Lord *Holland* rose, and re-stated his objections to it, on the supposition that the pension was to be taken from the consolidated fund, and thus tend to increase the burthens of the people. He was not a little surprized that the bill was not printed, or that the noble secretary of state had not at least stated from what fund the pension was to be drawn. Much had been said on a former occasion about practising delusion on the people. He believed that on no subject had the people been more deluded than on the subject of the civil list. It had been solemnly pledged on the accession of his Majesty to the throne, that no further debts would be incurred by the civil list. Yet notwithstanding that solemn engagement several heavy debts had been incurred and paid off within these few years, without diminishing the pressure of the taxes. In the mean time the wealth of the crown increased, and funds formerly unknown were now acknowledged to exist. He alluded to the droits of the admiralty, which had accumulated to a sum far beyond what was necessary to constitute a fund for the payment of this pension. He was convinced that every one must see the propriety of taking it from that source, and not from the consolidated fund. Convinced at least he was, that it must prove infinitely more acceptable to the feelings of the illustrious duke himself, and more grateful to the feelings of his Majesty, that it should be taken from the droits of admiralty, than that it should contribute to aggravate the burthens which weighed already so heavily on the people.

The Earl of *Liverpool* said, that it was not usual to print such bills. As to the debts of the civil list, it was impossible they should not have increased during a period when it was notorious that the price of articles had increased. It should also be recollected that the demands on the civil list had increased, as the amount of the hereditary revenues had diminished.

Earl *Grey* was willing to allow that provision should be made for the illustrious person in question, who had so many claims to the attention and respect of their lordships; but while he acknowleged the propriety of the grant, he was far from thinking that it should fall upon the consolidated fund. It would certainly come with a much better grace from the droits of admiralty.

The bill was then read a second time, and ordered to be committed for the next day, for which day their lordships were summoned to attend, on the motion of lord Holland.

[NAVY—TROOP SHIPS.] Lord *Melville* rose and spoke as follows:—Many weeks have elapsed since I intimated to your lordships my intention of bringing under your consideration the necessity of an establishment of ships of war, under the denomination of Troop-ships, to be armed and equipped upon a reduced scale, and to be prepared for the reception and conveyance of such military force as may be found necessary, from time to time, to embark for public service; and I at the same time moved for the production of such official statements and accounts as I thought requisite for the elucidation of the subject.—When I moved for these papers it was suggested by some of your lordships that I was calling for more information than was necessary or expedient. I persevered, however, in my motions, because, with the importance I attach to the question, I should not have felt that I acted wisely, if I did not fortify myself with every species of information, which appeared necessary, to enable me to repel any objections which might be stated against my proposition. How far I was right in adhering to that line of conduct your lordships will now have the opportunity and the means of judging.

I am more particularly anxious to have this subject fully illustrated by official documents on account of some remarks, which, during the conversation respecting the production of the papers in question, were made by a noble earl, on whom the administration of our naval affairs devolved, when lord Barham retired from the admiralty. The noble earl to whom I allude supported my motion for the production of full information prior to the discussion of the subject; but, if my recollection be correct, he expressed himself in such a manner as to convey an idea that, when he presided at the board of admiralty, he had occasion to consider the subject, and that, from thinking its policy doubtful, he had never been able to form a decisive opinion as to the expediency of it. I can with great truth assure your lordships that there is nothing I wish for more than ample and candid discussion; and I never was more mistaken if the result of a dispassionate consideration of the subject will not produce a full conviction in the mind of that noble earl (and indeed of every other person) that an establishment of armed troop-ships, for the purposes I have suggested, is essential to the public interest.

Nothing less than this persuasion could have induced me to bring forward this question; as the conduct and language of the late first lord of the admiralty warrant me in supposing that the measure in my contemplation will not be favourably received by his Majesty's government; and, as I have brought forward my proposition without communication or concert with any party, or, indeed, any individual in the House, I can only hope for a successful result from being able to prove irresistibly the beneficial consequences which may arise from its adoption.

It is proper to remind your lordships that, at the commencement of the late war, the conquest of the enemy's colonial possessions, with a view to the destruction of their commerce and naval resources, engaged the earliest attention of those who were at that time entrusted with the conduct of public affairs; and, although the success of this system of warfare answered the most sanguine expectations, it was impossible not to feel deep regret at the great loss of troops in the course of this service. The mortality, however, did not arise solely, nor, perhaps, principally, from their services in the field, indeed I was early led to believe that an improvement in the mode of conveying the troops, by affording them a more airy and comfortable accommodation during the passage to the West Indies, would tend greatly to their preservation, and I was encouraged in this persuasion by my correspondence with the then commander-in-chief of the troops in the West Indies, who, in one of his private letters, adverting to my practice of recommending for promotion the officers who brought home the account of our successes, suggested to my consideration the propriety of extending this principle of reward to such of them as might be entrusted with the charge of troops sent thither, and who might have conveyed them in a healthy and serviceable state; as every prospect of effectual success from the operations of the troops depended more upon the care, attention, and comfort, afforded to them on their passage than upon any other circumstance whatever.

The relative situation of our own fleet and that of the enemy did not, however, at that time, admit of our having recourse to an establishment of armed troop-ships; yet, by a careful and unremitting attention to the accommodation of the troops, and by a diligent discharge of duty by the transport-board, many salutary improvements were made, much good done, and many valuable lives were preserved. But, at a later period of the war, when our naval triumphs afforded the means of forming an establishment of armed troop-ships, the system was adopted.

Your lordships have all equal means of information with myself, many of you may possibly have much better; still in any event, I may, I think, with confidence assure your lordships, that such officers as were employed with troops on distant service, and were sent in regular troop-ships, will readily confirm the opinion I entertain of the superior advantages of this mode of conveyance. In truth, I am satisfied, that, whether you consider the comfortable accommodation which the officers and men enjoy upon the voyage, compared with that which they experience in common transports,—the safety of the troops in case of separation,—the comparatively few ships required for the conveyance of an army,—the expedition with which it may be transported,—the facility of landing and re-embarking troops, as well as other essentials not necessary to be detailed,—the superior advantages of this mode of sending troops over that of conveying them in hired transports—are altogether incalculable.

There is still, however, one advantage paramount to every other, and which well deserves to be separately mentioned: I allude to that of having ships for the conveyance of troops under naval discipline. This is a circumstance of the highest importance, and might be elucidated by a variety of considerations. I could indeed refer to many proofs, though I shall mention only one; I mean the embarkation of the army after the battle at Corunna. I speak with certainty when I assert that the naval and military officers, who superintended that midnight embarkation, endured by far more anxiety than they had experienced in the hour of battle, owing to the want of order and discipline amongst the transports; and that this want of discipline produced the utmost confusion and embarrassment, and created in the minds of those present the greatest alarm for the fate of the army. Indeed, the serious consequences so much apprehended were only prevented by the zeal and active exertions of the officers and seamen of his Majesty's navy, and of the superintending commissioner of the transport-board. These distressing circumstances would not, however, have occurred, if, instead of common transports, there had been regular troop-ships, under naval discipline, and whose officers would have been attentive and obedient to the signals, made to point out to them the positions which the respective ships were to take and maintain. It cannot be supposed that I possess any official knowledge upon the subject, though my sources of information may be sufficiently accurate to justify the statement I now make; yet, should I have fallen into any error, every one of your lordships, in your intercourse with the officers employed on that occasion, may, without difficulty, inform yourselves upon all points relating thereto.—Indeed I have recently been furnished with the observations of a respectable naval officer, who witnessed the embarkation at Corunna; and, although, for obvious reasons, I do not mention his name, I pledge myself for the authenticity of the extract of the letter which I shall now read.

Extract of a Letter from an Officer in the Navy, dated May 12, 1810.

"I am glad to find there is a prospect of employing King's ships as armed transports. If you enumerate the advantages on comparison with the expence and loss of subjects from the merchant-ships, it must appear evident that King's ships are the best mode of conveyance for troops.—I was eye-witness to the superiority of men of war, being on the spot to protect a retreating army at Corunna. If the boats of the transports were the only help the army could receive in embarking, I am certain our loss would have been great; as the transports have scarcely men enough to manage the ship, and, when their boats are away, they are totally helpless.—The troop-ships are sufficienty manned to enable them to relieve boats crew in case of necessity, besides carrying more effective boats than the transports, comparatively with the tonnage of the transports for so many men. It is a fact, the transports at Corunna made one trip with their boats, when the men of war made ten;—indeed the relief of the men of war made it easy, whereas the transports men were fatigued and unable to do any duty in the ship. Take a view of the expence, and you will find, considering all circumstances of capture, losses, &c., which happened at Corunna, that king's ships will be less expensive, with certain defence and security, than the present mode. How often has it happened that troop-ships have done, with great credit, the service of regular men of war. The blockade of Genoa was conducted by a majority of troop-ships till it surrendered.—Another advantage is the discipline and health of the king's ships. The provisions should be a great consideration in case the army wanted a supply on shore. How little the loss is in the King's ships compared to a transport.—Another advantage,—you employ all navy men, who certainly on all occasions excel merchants men, where landing and fighting is necessary. If sickness should take place, the troop-ship can take care of them, whereas a divided regiment cannot have that advantage for want of medicine, &c. The expedition of a fleet of troop-ships, from superior sailing, compared to transports, is no small consideration in process of war."

Having so pointedly adverted to the embarkation at Corunna, on the night of the 16th of January 1809, I cannot leave that topic without addressing myself, in the most earnest manner, to his Majesty's minister who holds the seals of the war-department. I am not at present disposed to intrude any opinion whatever upon the subject of the warfare in Spain and Portugal. I only mean to advert to the circumstance of the flower of the British army being now employed in that service, and those who may be most sanguine in their expectations, as to the issue of that contest, must, at least, concede to me that the chances of war are precarious. I pray to Heaven that such a scene as that which took place at Corunna may never again occur; and I trust that the noble lord, to whom I have alluded, will not lose sight of the Tagus or the Bay of Cadiz.—What human energy can do, I doubt not will be done by our brave army and their gallant leaders; but if, under any circumstances, the time should come when they are to be re-embarked on the coasts either of Spain or Portugal, I trust I may, with confidence, hope that measures have been, or will be, taken, for providing some more salutary accommodation for them than what was allotted for the army which embarked at Corunna.

But, had I before been doubtful upon the general question, the information I have derived from the perusal of the official papers relating to the expedition to the Scheldt, and now lying upon your lordships table, would have removed all doubt upon the subject.

In the collection of papers produced by the admiralty under the head of "Intelligence," there is a series of information, beginning the 2nd of January and continuing until the end of March, the purport of which is, that there was lying in the Basin of Flushing a fleet of the enemy of about ten sail of the line together with some frigates, but apparently not in a condition, during all that period, to leave the basin; and from the same intelligence it should seem, that, at that time, there was a very small military force in the island of Walcheren.

From an attentive consideration of this intelligence, I cannot entertain a doubt that if there had then existed in this country an establishment of armed troop-ships, adequate to the conveyance of even eight or ten thousand men, a very considerable portion, if not the whole, of the enemy's ships at Flushing might have been captured or destroyed; and, if it had been thought expedient, the basin might, without much difficulty, have been destroyed also. I have said if it had been thought expedient, because I am strongly impressed with an opinion that, if there had been such an establishment of floating barracks as I am now recommending, neither the evacuation of Walcheren nor the destruction of the basin at Flushing would have been necessary. A particular elucidation of the opinion I entertain would lead to an inconvenient length; but allow me to recommend to the perusal of your lordships the letters from Sir R. Strachan and capt. Cockburn, as to the defence of Walcheren, and perhaps you may then form some conjecture of the nature of it.

Few men will, I think, conceive it probable that because the enemy's ships were not in a condition to quit the basin of Flushing in the months of February and March of last year, we were therefore equally sure of finding them still there in the months of July and August, when our great armament sailed for the Scheldt; consequently the prospect of capturing or destroying them was reduced to the single chance of a successful attack upon Antwerp. If, however, there had been, in the beginning of last year, such an establishment as that for which I now contend, eight or ten thousand men might have been easily embarked, without ostentation or parade, and might have proceeded to the point of attack in perfect secrecy, when, in conjunction with our blockading fleet, a successful result would, I confidently believe, have crowned their operations.

I shall here refer again to the papers upon the table, relating to the said expedition, for the purpose of making an observation immediately connected with the subject under consideration. I allude to the reports, made by the physicians, upon the nature of the disease which raged with so much violence and which proved so fatal to the troops of Walcheren. It is not necessary for me, on the present occasion, to distress the feelings of your lordships with a recital of the calamitous effects of that dreadful malady. Yet I must request your particular attention to such parts of the said reports as point out the very beneficial effects which might have been expected to result to the diseased soldiers, had they been removed from the island and put on board ship; but the physicians represent the hired transports to have been totally unfit for their reception: nay, they even represent them as unfit to convey home the sick, and particularly from a want of medical attendants accustomed to naval service. The difficulty of providing a sufficient number of transports, under the pressure which then existed, is also another serious consideration; but neither that difficulty, nor few, if any, of the evils and inconveniences I have pointed out, could have arisen, if there had existed such a regular and permanent establishment of floating barracks, as I here, without hesitation, pronounce to be essential to the public service.

When I read those parts of the physician's reports, and coupled with them, the information I received of the perfect health of the seamen on board the ships of war employed on the Expedition, it excited in my mind feelings of the deepest regret, that regular troop-ships had not been employed on that service; being impressed with a firm belief that the dreadful effects of that fatal malady might thereby have been materially lessened.

Having in the course of my argument been obliged to refer to the Expedition to the Scheldt, I trust your lordships must do me the justice to perceive, that I have done so, only from the intimate connection between the circumstances I have referred to and the subject to which I am earnestly endeavouring to direct your attention. If the general merits of that Expedition had been the subject of immediate discussion, I should have regulated my opinion by the evidence before me, I mean by the papers on the table, without regard to any of that extraneous clamour by which the candid investigation of the subject has been overwhelmed. I must have said, what I feel to be true, that, from the moment the decision was taken to send an armament on such an extensive scale, and directed to such complicated objects, nothing could be more meritorious than the exertions of every person concerned in the management of it. The plan of the Expedition was a splendid one; but it was cumbersome, unweildy, and too complicated in its arrangements to afford any very sanguine hopes of success. *Vis consilii expers, mole ruit sua.*—I shall, however, refrain from any farther observations on that topic, because they are foreign to the object of my argument. Perhaps some of the opinions I have expressed may be considered as a digression from the question, but, when a subject has for near twelve months been the topic of unremitting public and private discussion, it would have been impossible not to draw some conclusion: and that conclusion has inadvertently intruded itself upon me at the present moment. But I hasten to return to the subject: and shall conclude my argument on this part of it, by reading to your lordships extracts of letters from two experienced officers of the navy, whose sentiments upon the subject of troop-ships have likewise been submitted to me within these two days.

Extract of a Letter from an Officer in the Navy, dated 12th May, 1810.

"On the question now agitating, and likely to come before parliament, Whether men of war troop-ships are, upon general terms preferable to transports? I venture to give an opinion founded on experience, and I agree with you decidedly in favour of ships of war regularly commissioned under our own discipline. It is totally impracticable to land an army in the face of a respectable enemy in transports boats. I venture to say our greatest loss in landing in Egypt was occasioned by the confusion of the transports boats on our left; and, had not the centre and right of that brigade been carried in men of war's boats, (principally those of troop-ships,) that landing would not have been accomplished in the very noble and gallant manner it was so irresistibly executed, in the face of nearly equal force under cover of sand-hills close to the water's edge."

Extract of a Letter from an Officer in the Navy, dated 12th May 1810.

"The army landed in Egypt was in general healthy. The troop-ships received the wounded and sick (as casualties arose after landing) on board the ships that conveyed them there: but we had two hospital ships, the Harmony and the Planter, which received the dangerously sick on the passage. To the best of my recollection, convalescents were removed to their own ships as soon as possible."

The statements with which I have hitherto troubled your lordships are founded on a retrospective view of some public events, all tending to excite a regret, that an establishment of armed troop ships has not been kept up in this country. Allow me now to say a few words prospectively: for, I am satisfied, it is by a judicious use of such an establishment of floating barracks that there remains any chance of our being able to conduct the war on a rational and practical plan.

I have for a long period of years been in the habit of committing to paper such reflections as from time to time arise in my mind on reviewing the state of public affairs. A memorandum of this description, which I made on the 1st of January last, is intimately connected with the subject I am now endeavouring to impress upon your attention; and I cannot, in a more compendious form, submit my ideas to your lordships than by relating to you the substance of it. It is simply this:—I propose to fit out, from the ordinary of the navy, a number of armed troop ships, adequate to the accommodation of 24,000 men. The troops to be divided into detachments, each properly commanded; and to be accompanied and escorted by a few two-decked ships, and a certain number of frigates and light armed vessels.

These flying armaments to be distributed along the enemy's coasts, and to act either separately or conjointly according to circumstances; and, if their operations were judiciously conducted, they might, (besides annihilating the coasting and such other trade as may still be carried on by our enemies,) by keeping up a constant alarm on their coasts, oblige them to draw a very great part of their armies down to their coasts for the purpose of protecting them against our attacks and predatory incursions; and such a system of warfare would thus act in the most beneficial manner, both as a means of co-operating with our allies, and of effectually annoying our enemies.*

I regret that I should have found it necessary to occupy so much of your lordships' time; but with a thorough convic-

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* The memorandum is as follows:

MEMO. 1st January, 1810.

"If the first year's experience of our disastrous warfare in the interior of Spain did not convince us that such appropriation of our military resources would be of no avail, and lead ultimately to disgrace, I should hope there would not exist any where a disposition to persist in such a system after a second year's experience of its result.

"I had the misfortune to augur ill of our late Expedition to the Scheldt very soon after it sailed. My only hope was, that Walcheren would be taken and kept, and my disappointment was great on finding that even in that respect our armament would be productive of no permanent benefit to the country.

"I wish these severe disappointments may not lead to the opposite extreme of desponding inactivity. What is called the public in this country is so fickle and unsteady in its opinions, or, to speak more properly, its feelings, I should not be surprised if they should take an alarm at any idea of renewed active exertions of the military resources of the country; and, if the public mind should take such a direction, I am afraid it will require much exertion to counteract such a dangerous apathy.

"If, as was at one time in contemplation, there had been made such an addition to the corps of Royal Marines as to have a surplus of 10,000 men more than was necessary for the whole of the ships in commission, the naval department would have possessed the means within itself, of combining a very powerful force: but, in the present state of our navy and army, there is no occasion for any delay in forming and acting with the combined force to which I allude, and the outlines of which I shall shortly detail.

"With this view, my first step would be, without delay, to fit out from our ships in ordinary armed troop-transports, adequate to the accommodation of 24,000 men, which we can well spare for a beneficial purpose, if we do not squander away our army in fruitless and disastrous pursuits. Having prepared these floating barracks, I would divide them into eight detachments, of 3,000 men each, under the command of an active colonel, with the rank of brigadier-general.

"I would in like manner prepare eight small naval armaments, each under the command of an active and skilful post captain, with the rank of a commodore. The naval strength of each squadron need not exceed a fifty or sixty-four gun ship, with two or three stout frigates. These, joined with the troop ships, properly armed and commanded, would form a very respectable force for the accomplishment of the objects in view, and would, at the same time, act as cruising squadrons for the annihilation of the coasting and every tion that the proposition I have ventured to lay down is closely connected with the most important interests of the country, I must still request your farther indulgence and attention, in order that I may examine into the reasons which I have heard suggested against the adoption of the measure.

Every argument which professes to be founded upon a principle of economy is naturally prepossessing; and, as it has been asserted that the mode of conveying troops on-board transports derives great weight from the consideration of its comparative advantages in this respect, I apprehend that, without a due examination of the subject in all its bearings, the system of hiring transports has been pursued in preference to maintaining a regular establishment of armed troop-ships, properly equipped and fitted for the reception and accommodation of troops, in the shape of floating barracks. Yet, even if it could be proved that there really is a considerable saving in hiring transports,* I should still adhere to the opinion I have formed; as I am convinced that no saving would counterbalance the many important advantages I have detailed to your lordships. I am not, however, prepared to allow the existence of this alleged economy: and I must trouble your lordships with the reasons which lead me to question the truth of it.

As, in considering the comparative expence of armed troop-ships and of hired transports, it is necessary distinctly to state the scale of establishment on which I propose that troop-ships should be fitted out, I shall proceed, shortly, to detail my sentiments on that head.

I would, therefore, suggest that such ships of war as may be appropriated to the reception and conveyance of troops should be fitted, armed, manned, and equipped, on the following reduced scale:—the crew not to exceed, at the utmost, one-third of the proper complement of men;—no ship to carry more than 20, nor less than 12, guns, (according to her class,) and these to be principally carronades;—the ships also to have reduced masts and yards, the original lower masts only being kept in; and, upon these data, I am satisfied that the wear and tear of a ship so fitted and employed would not exceed one-fourth of an active cruizer, and that the expences and charges would, in the aggregate, be less than one half of the expences and charges incurred for

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other species of trade, still carried on by our enemies.

"I would employ three of these armaments to cruise separately along the whole Atlantic coast of France, and three more in the Mediterranean, and the two others in the North seas. I need not enter into any minute details of the instructions under which they would be ordered to act. Upon that subject there would be no difficulty; and, if the operations of those eight armaments were judiciously directed, I have an absolute conviction that they would keep up so constant an alarm on the whole range of the coast of France as would oblige our enemies to keep their whole or the greatest part of their numerous armies, to protect their own coasts from the dread of our predatory incursions. By such measures we should annoy our enemies more effectually than by any other means, and it is obvious that, in that manner, we should, at the same time, co-operate in the most beneficial manner with our allies, and give, to them that salutary aid, which the measures hitherto pursued by us have totally failed in doing.

"I have only to wish that any intelligent and candid man would exercise his own reflection and judgment on comparing the probable effects of such a system, contrasted with all those expensive and disastrous operations which have been going on during the last two years. The expence of such a system would be comparatively trifling, and, in addition to its other salutary effects, would be the means of keeping constantly alive the spirit and enterprize of both our naval and military services.

"It is scarcely necessary to observe, that if, at any time, an object should present itself, upon which we could, with effect and benefit, employ together the whole 24,000 men, a single letter from the War office and the admiralty could speedily assemble them at any rendezvous most expedient for the execution of the projected service." (Signed) Melville.

* Amongst other disadvantages arising from the extent to which the system of hiring transports has been carried, the inconvenience and impolicy of abstracting so much of the commercial shipping from the trade of the country must be obvious to every person who has had occasion at all to consider the subject.

ships when fitted, armed, and equipped, for the purposes of war.—And here it is very material to state, that these opinions have the full and entire concurrence of several naval officers, whose experience and judgment entitle them to perfect confidence in this respect, and that one of these officers commanded, nearly the whole of the late war, either an armed transport or a troop-ship, and was present at all the most important conjunct operations.

From these premises the following comparative calculation of the expence of an equal quantity of tonnage of troop-ships and of hired transports has been made out; and though it is, perhaps, impossible to form a perfectly accurate computation, I am warranted (on the authorities I have just alluded to) in submitting the following to your lordships.

I shall select a 64-gun ship for the comparison. Taking, therefore, into consideration the injury the ship would sustain lying in ordinary;—the reduced scale of masts, yards, &c. and the small number and light weight of the guns, the annual expence may be as follows:

The average tonnage of a 64 is about 1380 tons. Her complement of men is 491, but when fitted as a troop-ship I should propose 164, being only one-third.

The mode of estimating a ship's expence is as under:

Wages per man per month	£1 17	
Victuals do. do.	2 19	
		4 16
Wear and tear, and ordnance per ton per month		2 6
		£.7 2

This sum of 7*l.* 2*s.* on the number of men is found to cover the monthly expence of the ship, upon a war establishment and full complement; but, as a troop-ship and on a reduced complement, I have taken the wages and victuals on the 164 men, separately, at 4*l.* 16*s.* per man per month; and the wear and tear, or the 2*l.* 6*s.* per ton per month, on the whole tonnage, this appearing to be the fairest mode of forming the estimate.

Wages and victuals for 164 men, at 4*l.* 16*s.* per man per month, amount annually to	£.10,233	12	0
The wear and tear, and ordnance at 2*l.* 6*s.* per ton per month, amount annually to 41,262*l.* one-fourth of which is	10,315	10	0
Estimated annual expence of a 64, fitted as a troop-ship	20,549	2	0
One thousand three hundred and eighty tons of transports at 25*s.** per ton per month, for 12 months, is	20,700	0	0

Difference in favour of troop ships 150*l.* 18*s.*; so that, when this system is established, it would appear, after being thus explained, to be even more economical than that of hiring transports.

In addition to the decided superiority of troop-ships in every other respect, they are calculated in a great degree to serve as their own convoy, and in so far to render a smaller number of ships of war necessary for the purpose of accompanying any expedition.

Besides, it must not be forgot that, by the adoption of the system, a very great additional security would be derived against the capture and loss of great numbers of our seamen and soldiers in hired transports. I should be most unwilling to estimate the lives of either on data of pecuniary compensation; but, if any cold calculator should think it advisable to follow out such an investigation, he might find, upon inquiry, that the expence of the recruiting service amounts to an enormous sum.†

But I reject all such calculations; for I hold the life of a British sailor or soldier to be inestimable; and if I had the means of bringing forward the evidence of our enemies upon that subject, I should willingly rest upon their testimony. I cannot therefore consent to have this subject considered upon the ground of a trifling saving of expense, even if the allegation were true; which, as I have already stated, I hold it not to be.

I have also heard another objection mentioned, which is of such a nature as to render it impossible for me to pass it over without an accurate examination. It has been stated that the equipment and keeping upon the requisite number, of armed troop-ships, upon the scale I consider necessary, would be such a drain upon the ordinary of the navy, and would require so many seamen to navigate them, as to cause serious inconvenience to the naval service.

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* The price paid during the last year.

† Upwards of 120 transports have been captured or lost since the commencement of the present war (May 1803).—About 1700 persons were taken prisoners, and more than 1900 were lost, in these vessels.

In consequence, of these objections, I thought it necessary to move for many of the accounts, which were objected to as not bearing upon the question, but which objections will, I trust, be no longer entertained after a due consideration of the statements which I shall now endeavour to make, as accurately as I can, from the imperfect information with which I have been furnished.

It is impossible to lay down any precise rule as to the extent to which it may be expedient to carry an establishment of armed troop-ships: but your lordships are aware that, in the memorandum to which I have already alluded, I suggested that at present, and probably at all times, the establishment should not be less than adequate to the conveyance of 24,000; which allowing two tons to a man, would require 48,000 tons of shipping.

Now, if I am correctly informed, which I believe I am, in stating the tonnage of the British navy at about 800,000 tons, let me ask your lordships whether any man, competent to form a judgment on the subject can entertain a doubt that, if ships to the extent of 48,000 tons were to be appropriated for the conveyance of troops, the remainder would not be more than amply sufficient for every naval service for which our fleet can possibly be required. If any embarrassment should arise from such an appropriation, it would be attributable only to an injudicious arrangement and distribution of our force. In illustration of this position, I would request your lordships to advert to the fact, that, in 1800 and 1801, the number of troop-ships and armed transports, that were employed, amounted to 50 sail, and their tonnage to about 50,000 tons; which troop-ships and transports we had no hesitation in employing at that time, notwithstanding the fleets of France, Spain, and Holland, amounted to about 100 sail of the line

But the justice of this observation admits of being still more forcibly shewn, by a comparison of our present naval strength with that of all the other powers of Europe, who either are already our enemies, or who may be compelled to become so.

As the returns of ships in commission and in ordinary have not yet been laid before the House, the numbers cannot be precisely stated; but we have probably about 105 sail of the line in actual service, beside 7 serving as guard-ships and store-ships, and five effective fifty-gun ships.

We have likewise about 103 sail of the line in ordinary.

I believe the following to be a pretty accurate statement of the force which can be opposed to us: The Russian fleet, in the Baltic, consists of 13 sail of the line with several heavy frigates. The Danes have one ship of the line, and the Swedes eleven sail. The Dutch have agreed, by a recent treaty, to furnish nine sail of the line to France. These are all the ships they have; and no doubt they will find great difficulty in fitting and manning them for active service.—France has, in the Scheldt, ten sail of the line, whose crews, though not nearly complete, are (as far as they go) composed of various nations. She has also two sail at Cherburgh, and, in the ports on the Bay of Biscay, about 12 sail of the line, most of which are at Rochefort. France has also in the Mediterranean 13 effective ships. —Upon a recapitulation it therefore appears, that the Russian, Swedish, Danish, Dutch, and French, force, amounts collectively to only 71 sail of the line, while there are 105 sail of the British line now in commission.

It must immediately occur to your lordships that I can have no such precise information respecting the force of our enemies as to be certain of the perfect accuracy of the account I have given. From his official information the noble lord, lately at the head of the board of admiralty, can of course set me right if I am proceeding upon a misapprehension; but any trivial inaccuracy is of no moment as to the general conclusion; for, if I am nearly correct, (of which I entertain no doubt,) it is obvious that all the maritime powers of Europe combined are not, even in a numerical point of view, adequate to contend for the sovereignty of the ocean with the naval force of Great Britain: and I need scarcely observe that this mode of stating the question is the most disadvantageous for my argument, because it supposes, contrary to the known fact, that the ships of our enemies are manned and equipped, so as to be upon a par with an equal number of our own.

In truth, my lords, I argue this part of the question with more confidence, because, although I am perfectly ready to yield my opinion to a more correct view of the subject, I am strongly impressed with a conviction, that the naval establishment of the country is now upon a scale considerably exceeding what in wisdom, in sound policy, and on every principle of economy, it ought to be.

In order to make my ideas in this respect more intelligible to your lordships, I shall detail hypothetically what I conceive to be not an improbable distribution of our naval force, as applicable to the extent and existing positions of the fleets, that are, or may eventually be, opposed to us.

	Sail of the Line.
For the Baltic........................	20
To watch the motions of the Dutch fleet,—the French fleet in the Scheldt, and at Cherbourg	18
For the ports in the Bay of Biscay	12
For the Mediterranean and Black Sea	21
For the service of Lisbon and Cadiz	10
Total for European service.......	81

The force appropriated to watch the movements of the French ships in the ports in the Bay of Biscay may be considered fully adequate, until the fleet returns from the Baltic, when one half of the ships, as they may be refitted, will be disposable for the blockade of those ports, and the other half to aid in the blockade of the Texel, Scheldt, &c. during the winter months.

Upon the whole, therefore, even with a view to the contingency of Sweden being opposed to us, and to the service of Spain and Portugal, 81 sail of the line would appear to be perfectly sufficient for European service.

France having now no port in the Charibbees, and of course no means of keeping up any permanent naval force in that quarter, very few ships of the line can be required for the West-India station; and, under the present circumstances, I am not aware that any considerable number of ships of the line can be requisite in the East Indies. If, therefore, ten ships of the line were allotted for the East and West Indies, Portuguese America, the Cape of Good Hope and North America, the whole force requisite for European and foreign service, would amount to 91 sail of the line; a force which I consider amply sufficient for every probable demand.

On those distant stations it is certainly expedient to employ a number of frigates, and smaller vessels of war, both for the protection of our own trade and the annoyance of that of our enemies; and we possess ample means of making such an appropriation of this description of force. I have reason to believe that France and Holland have not, together, more than 30 frigates.

I trust your lordships will believe that I should be one of the last men to recommend that our naval establishment should be put upon a footing of doubt or nice balance with the force of the enemy. Our superiority ought at all times to be decisive and commanding; but I am sure I am reasoning soundly, when I contend that, considering the scarcity of naval timber and the high price of naval stores of every description, this is not a moment when the country ought to give way to a wasteful, ostentatious, and prodigal, expenditure. And such I consider an unnecessary number of ships in commission, if they be either detained in our own ports or sent where they are not likely to meet with an enemy. I do maintain that, circumstanced as the country now is, we ought to husband our navy, particularly our ships of the line, in order that we may keep as many as possible sound and entire, to meet future exigencies, when the increased strength of our enemies may render the equipment and employment of a larger force essential to the preservation and the safety of the empire.

These are sentiments which I have long entertained, and they are not declared at the present moment for the purpose of supporting a favourite proposition; still less with any intention of either idly or factiously censuring the administration of the country. It will always give me pain when I cannot concur in the measures of those to whom his Majesty may think proper to entrust the administration of public affairs; and it is peculiarly painful to me to criticise the administration of a department over which I once presided. I am aware of the imputations to which such a line of conduct is liable, and nothing would induce me to undertake such a task, but the conviction I entertain that in some very important particulars his Majesty is not well advised on the naval and military interests of the country.

But to return to the subject: I have stated that, in the opinion I entertain respecting an unnecessary expense of naval establishment, I am not urging an opinion which I have lightly or lately adopted. Immediately after the glorious and unparalleled victory of Trafalgar, I had occasion, in answer to a communication from Mr. Pitt, to write two letters to him; in both of which, but more especially in the latter, I took occasion to express opinions similar to those I am now pressing upon your lordships.

After stating the ideas which I entertained upon the pleasing and essential change in our naval affairs, arising out of the glorious victory of Trafalgar, and the brilliant success of the squadron under sir Richard Strachan, I represented to him that I hoped the reports then given in the daily papers, of an intention, on the part of the board of admiralty, to repair forthwith and to put into commission the ships taken by sir Richard's squadron were unfounded, as I entertained a belief that the results of those victories were so decisive as to render the naval force of the enemy incapable of making any stand against the fleet of this country during the remainder of the war. I therefore suggested that, instead of putting the captured ships into commission, they should receive such repairs as they might be in need of, and be laid up; that such of our own ships as could be spared should be gradually paid off, repaired, and laid up, and that no more new ships should be commissioned, but that, as soon as they were launched, they should be laid up, conceiving it to be the best policy that measures should be taken to preserve our ships, so as to enable us to bring forward such a fleet as might, eventually, be capable of meeting and of vanquishing all the naval powers of Europe.

I likewise recommended that, under the existing circumstances, more time should be given to the merchant builders than had been allowed by the conditions of their contracts, in order that the timber might be better seasoned, and that the ships which they were then building might thereby be rendered more durable and efficient; and I added that, considering the scarcity and consequent difficulty of procuring an adequate supply of naval timber, no ship should be allowed to be broken up until it should be clearly ascertained that she was totally unfit for any farther service whatever.*

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* The following are copies of these letters:

Copy of a LETTER from Lord Melville to Mr. Pitt, dated Dunira, Nov. 11, 1805.

"My dear Sir; The guardian angel of Great Britain never fails to interpose at moments the most critical, and where such interposition is least looked for. Never was that observation more verified than in the communications which were accompanied by your note of last night; the disasters on the Danube required some antidote more powerful than we had almost ever required at any former period, and the one which has arrived exceeds what the most sanguine wish could have almost hoped for. The effects to Europe in general, and in Europe, I hope will be great; but, to the separate interests of our own country, the consequences are beyond calculation. The fleets of our enemies were advancing faster than they ought to have done, consistently with our maintaining a superiority such as we possessed during the later periods of the last war, indeed from the time of lord Howe's victory. That victory had the effect of baffling all the naval exertions of our enemies during the remainder of the war; this victory will have precisely the same effect: they cannot recover it; indeed, unless they have got great supplies of naval stores in the ports of Spain, since the time I left the admiralty, I do not see how they can repair the crippled ships that have made their escape to Cadiz.

"In such a moment you will not think me a croaker if I most earnestly recommend to you not to allow any diminution of our naval exertions to take place in consequence of this great event; and, although new ships must be progressively coming forward, I am sure you will feel the necessity of resisting every attempt to break up any of our ships of war, however old, while they can, at any expence not immoderate, be kept in a state fit for any service. The scarcity of naval timber renders this at present, more than at any former period, a consideration of deep importance; and, if it was possible to allow the indulgence of any sentiment of regret in the contemplation of such brilliant success, it would be on account of the necessity there was for destroying or abandoning so many of our prizes. They would

Some weeks after this correspondence I joined Mr. Pitt at Bath, and had many conversations with him upon those points; and I have a firm belief that, if his valuable life had been spared, the suggestions I offered to him would not have been

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have made a most splendid and important addition to our strength in large ships of war.

"I meant you a short letter of thanks and congratulation, and I find I have inadvertently got into a naval dissertation; but, before I lay down my pen, I must add a few lines more, again to entreat you not to think me a croaker, if I suggest to you, even at this moment, the precaution of adding, as far as practicable to the numbers of our gun-brigs and other vessels of that description between this and the month of May next. I hope in God our allies, if Prussia comes forward, may afford us rational ground of confidence from their exertions; but, after what has happened at Ulm, whether proceeding from pusillanimity or treachery, it is impossible not to be diffident, and to foresee the possibility of our being again to contend single-handed. If that moment shall come, let us not be unprepared with the means which can alone give confidence to the feelings of the country under such circumstances. These means are the possession of such numbers of strong armed vessels as may be sufficient to blockade and annoy every place where they shall attempt an assemblage of menacing vessels of that description. You know well my sentiments of invasion, and nothing has ever occurred to shake the opinion I have long entertained, that nothing but frenzy could imagine the possibility of a successful invasion of this country against a decided naval superiority. But if we are again during the present war to be reduced to single combat, it must be a naval war; and unless, by a naval force adapted to the purpose of security at home, the minds of the country shall be set at ease, you will never be able to achieve those great naval operations against the distant possessions of our enemies, which will be necessary to cut off their commerce, and consequently their naval resources, and yet it is by these means only we can expect to retard the progress as a naval power, which France will naturally attempt to make, in the prosecution of the resentment and jealousy which she entertains against Great Britain. It is full time however I was relieving you from my lucubrations. I remain, &c. (Signed) Melville."

"P. S. It is impossible not to mourn the death of so distinguished and illustrious a character as lord Nelson; but I cannot for a moment participate in the mode of regret which is expressed on the occasion. In so far as we lament him on account of the great loss the public has sustained by the fall of so able, so popular, and so beloved, an admiral, I heartily join; but, with regard to himself, his death is enviable beyond expression. Accidents might have lowered his name in a fickle country, but such a brilliant end, following such a series of brilliant service, places his fair fame beyond the reach of caprice, envy, or malevolence."

Copy of a Letter from Lord Melville to Mr. Pitt, dated Melville Castle, November 30, 1805.

"My Dear Sir; I have received, under your cover, this morning, the additional Extraordinary Gazette; which certainly places the splendour of our naval success in a view even more forcible than before. There seems just three ships, out of the thirty-three which formed the combined fleet, left fit for service. In the course of my rides, these few days past, I have been thinking a great deal on the most expedient line of conduct to be adopted with regard to our naval affairs, in consequence of the essential change created by our late successes. The Gazette of this morning strongly confirms me in the train of thinking I had entertained on the subject. I was led to it from observing in the newspapers that the Admiralty intended immediately to repair and put into commission the ships taken by Sir Richard Strachan. I shall shortly state to you my reasons for thinking this would be very injudicious. It is so clear that I need not say any thing to prove a proposition which is indisputable; viz. that for the remainder of this war, be it longer or shorter, the naval power of the enemy cannot make head against the fleet of this country, and that consequently such arrangements may be made respecting our fleet as if the war were actually at an end. Under such circumstances it would be wisdom in this country to lay the foundation of, and unremittingly persevere in, such measures as would enable us, in case of a new war, to produce a great fleet, consisting not of worn-out and overlooked; but he was never able again to take part in any public business.

It may be proper here to remark that, since the memorable victory of Trafalgar, the naval force of the enemy has been diminished by the capture and destruction of many ships of the line, frigates, and inferior vessels of war.

Let me then entreat your lordships, but more especially his Majesty's advisers, to give a serious consideration to what I have urged; and I persuade myself that, if ministers attend candidly to the suggestions I am now submitting to your lordships, a very material saving may be made in our naval expenditure, and at the same time a fleet maintained which shall be perfectly adequate to every exigency that may arise. I assure your lordships that I am no advocate for such a system of economy as may tend to impede any great national service, more especially when the object in contemplation may be connected with the interests of the navy; and

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decayed ships, but of ships in good repair, and fit to encounter the fleets of any supposable combination of enemies. I say you have it in your power now to adopt this system; and, therefore, in place of rapidly and ostentatiously putting the new captured ships into commission, (taking it for granted, as I do, that they are excellent ships,) I would put them in the best possible state, to be laid up, to make part of a future fleet, when the exigencies of the country may require it. I would do the same with the best of our own ships, as they required to be docked or refitted. I would reserve for the same purpose all the ships now building, either in the king's or merchants' yards, and I would give the contractors who are building them some relaxation of the time specified in their contracts, because this service is not so pressing as it was, and because, by building more slowly, the timber will be better seasoned. I do not advert to the resources to be expected from India, or any other resources which may be in our power. These, of course, will add to our naval strength; but, circumstanced as the fleet of the enemy is, it appears to me, that, by the means I have already stated, you have it in your power, even during the war, to commence and persevere in a system of naval arrangements, which, in a very few years, would put the country in possession of a numerous fleet, in excellent condition, and ready for any service they may be called upon to undertake; and I am sure I need say nothing to convince you of the comfort such a state of the navy, at the commencement of war, would be to the country, compared with the gloomy prospect which was at one moment felt, in consequence of the measures pursued, under a mistaken idea of economy, by his Majesty's advisers immediately subsequent to the peace of Amiens. —You will naturally ask if the suggestions I have offered are compatible with the means of keeping afloat a sufficient fleet, for answering the exigencies of the present war, if it should be of long continuance. I have no doubt on that point; and I am perfectly confident that, by means of the oldest and least serviceable ships in our fleet, a force might with ease be kept up which would outdo, both in numbers and strength, any thing the enemy could bring against us. I am sure you may assume it as a certain proposition that, without commerce, and considering the havock which has been made among their ships and their seamen, it is impossible for our enemies to bring out a fleet that can create the smallest apprehension. Continue, therefore, the system which necessity obliged us to adopt in the month of March. Repair and refit, as occasion may require, but let it not be that thorough repair which requires much time and expence. The experience you have had in the course of this last year must convince you how speedily and efficaciously a naval force may be brought forward for service. The ships so brought forward have borne their full share in the late splendid achievements. Even in giving such temporary repairs, it may perhaps not be necessary to have recourse to Mr. Snodgrass's plan; but, if it should, the experience we have lately had is decisive as to the reliance to be placed upon it. The Cæsar, which bore the flag of Sir R. Strachan, is one of the doubled ships; and it has been reported to me that Sir Richard had stated that she sailed as well after as before the operation. —I have taken up more of your time than I intended; but I was desirous, in a matter of such magnitude, to put either you or lord Barham in possession of my ideas; and, if they are not well grounded, you will of course pay no attention to them.—This letter requires no answer; and therefore your only trouble will be that of reading it.—I remain, &c.

(Signed) MELVILLE."

yet, upon this most important service, no superfluous expenditure should be incurred.

The termination of the war in which we are now engaged no human being can foresee; and I have no hesitation in declaring that, so long as France shall retain the sovereignty of the continent of Europe, it is, in my judgment, impossible to make a desirable peace with her; impressed as I am with a belief, that any peace which she might propose would but too probably lead to the subjugation of this country, by presenting to the ruler of France an opportunity of creating a naval force, which, in conjunction with the fleets of the other maritime powers of Europe, (all of whom, with the exception of Spain and Portugal, are now completely under his controul) might dispute with us the sovereignty of the ocean. This is the event to which we must look forward, as then, though perhaps not till then, we should have to contend, not merely for our independence but for our very existence. While we, however, retain the dominion of the sea, and preserve the fabric of our constitution, which is the true and genuine source of our manufactures, of our commerce, of our agriculture, and of our revenue, we have nothing to apprehend from the boasted threats or from the power of France. These may be considered as mere bugbears; let the war be conducted on a rational and practicable system, and we shall find our resources perfectly adequate to the contest, so long as circumstances and the safety of the country may render a continuation of it necessary.

Having so long intruded on your lordships time, I shall avoid entering in detail upon any of the other considerations which have occurred to me in the course of the investigation I have had occasion to make into the subject now under discussion. I cannot however conclude without expressing my earnest hopes, that those who are entrusted with the naval administration of the country will give a most attentive revival to the subject of our naval expenditure. This war has, in its progress, assumed a character very different from that of any former contest in which we have been engaged; and our naval superiority is so decided that it cannot with propriety be termed a naval contest: but, although the ruler of France cannot pretend to rival us in that respect, still, as we cannot look forward to the termination of the war so long as he retains his present ascendancy over the continent of Europe, it is our duty as I have before said, to make such regulations in our naval expenditure as may be warranted by our relative situation, in order to enable us to maintain that superiority for any length of time.

I am convinced that, on an accurate investigation, it would be found that reductions might be made, amounting in the aggregate to a large sum.

A very material saving would arise from our not keeping in commission a greater establishment of ships of the line than might be requisite for any probable demand: and I am satisfied, that the building of new ships is carried to a most impolitic extent, and much unnecessary expence thereby incurred. Entertaining these opinions, I confess I heard with surprise of a vote of 15,000 additional seamen for the service of the present year.

I am aware that any very great diminution of our naval establishment would have the effect of throwing a considerable number of our meritorious officers out of employment: but I cannot suppose that any serious opposition can be fairly grounded on this circumstance, when it is recollected that the same effect would be produced in a much greater degree by the return of peace.

I do not overlook, nor am I disposed to underrate, this inconvenience, but I have long foreseen, and am strongly of opinion that a remedy might be found to compensate the service for the hardship to individuals arising out of the unprecedented extent of our naval establishment, and the impossibility at all times of giving employment to a large proportion of its best officers. But every such act of benevolence ought to flow spontaneously from the sovereign, and a particular suggestion coming from any other quarter would be an impertinent intrusion.

I shall now conclude with moving the following Resolution: "That it appears to this House, in consideration of the many advantages attending the conveyance of troops in king's ships, fitted up as troop-ships, over the mode of conveyance in hired transports, that it is essential to the interests of this country that an adequate number of king's ships should, without delay, be prepared and held in readiness for the accommodation of such troops as it may be found expedient to embark in furtherance of the public service."

Lord *Mulgrave* expressed his surprise, that the noble viscount should have dwelt upon the advantages to be derived from naval discipline on board of ships of war employed for the conveyance of troops, after the letters which the noble viscount had received upon a former occasion, from naval officers of high rank, strongly expressing the great inconveniences which had arisen from it, and after what had happened on board some of the ships employed for this purpose in the Expedition to Egypt. In that expedition 41,000 tons of troop-ships were employed for the conveyance of 17,000 troops; and it appeared upon a comparison of expence, that in troop ships it was 27*l.* per ton, and 55*l.* per man; and that in hired transports the expence was not more than 12*l.* per ton, and 24*l.* per man. His lordship deprecated the idea of reducing our navy at a period like the present, and observed upon the difficulty of restoring it to its former state of efficiency, when once reduced, the calculation besides of the noble viscount of the number of ships that could be mustered against us was erroneous—the actual number being 101. It was quite impracticable to derive from our navy the quantity of tonnage necessary for the transport-service—the quantity now employed being 147,000 tons. His lordship thought it impossible to get over the difficulties which occurred in the clashing of the two services, when troops were embarked on board ships of war. As to sending out an expedition to Flushing in the early part of last year, it was impossible, in consequence of there not being troops enough who were sufficiently recovered from the effects of the retreat to Corunna. Conceiving the motion to be an unnecessary interference with the executive government, he moved the previous question.

The Earl of *Warwick* observed upon the want of water at Walcheren, and stated that the soap which he had recently discovered, and which would wash perfectly well with sea water, might be rendered the means of saving the consumption of an immense quantity of fresh water in the navy.

The Earl of *Galloway* was decidedly of opinion that any measure which interfered with the paramount authority of the commander of a ship of war, on board that ship, would destroy the discipline of the navy; but he thought the difficulty might be easily got over, by making the troop ships a separate establishment from the regular navy, and enacting for it special regulations by act of parliament. In this view of the question, he was clearly of opinion, that there would be immensely superior advantages in conveying troops in troop ships, instead of hired transports.

Earl *Stanhope* agreed with the noble earl, and observed upon the superior advantages which would be derived from having a class of vessels drawing little depth of water, and which might be employed for the conveyance of troops, and for various other purposes. He had shewn this by an experiment of his own, the result of which was, a vessel 111 feet in length, which drew only seven feet odd inches of water, and outsailed the swiftest vessel in the navy.

Viscount *Melville* shortly replied, and observed, that his idea was not the employment of ships of war for the conveyance of troops, as supposed by the noble lord, but of troop ships, as mentioned by his noble friend (the earl of Galloway). With respect to Flushing, he still thought that a force sufficient for the object he had mentioned might have been sent over early in the last year.

The Earl of *Liverpool* observed, that the question as now stated with reference to the establishment of troop ships, with separate regulations, was one of great difficulty, and which required very serious consideration, and which therefore, without giving an opinion upon it, was one that could not be decided upon in the manner now proposed. As to Flushing, he assured his noble friend that troops could not be spared for the object he had mentioned at that time; and supposing it to have been done, all the ulterior objects of the expedition to the Scheldt must have been given up.

The previous question was agreed to without a division.

HOUSE OF COMMONS.

Monday, May 21.

[PETITION FROM LIVERPOOL FOR REFORM IN PARLIAMENT.] General *Tarleton* stated, that he had in his hand a petition from certain inhabitants of Liverpool, in favour of parliamentary reform, &c. The mayor had refused to call a meeting, but the petition was signed by 3,000 persons, many of them well known to him as of the most respectable description and of considerable property and influence.

The Petition was then delivered in at the table and read; setting forth, "That, in the year 1793, his Majesty, by the advice of his then ministers, engaged in a war against France, for the purpose of curbing the power of that country, and circumscribing its limits; and that in the prosecution of the said war, various military expeditions have been planned and conducted by successive administrations, which expeditions have almost uniformly failed in accomplishing the objects for which they were undertaken; and that, in proof of this assertion, the petitioners beg leave to call to the recollection of the House the expedition to Flanders in the year 1793, the descent upon Quiberon Bay in 1794, the invasion of Holland in 1799, the attack on Constantinople in 1807, the expeditions to Egypt and Buenos Ayres in the same year, the disgraceful convention of Cintra, the campaign of Sir John Moore in Spain, and the retreat of Sir Arthur Wellesley after the victory of Talavera, where he left his sick and wounded to the mercy of the enemy: and that the petitioners particularly beg leave to call to the recollection of the House, that his Majesty's present ministers did, in July last, fit out an armament of a magnitude unexampled in the annals of this country, for the purpose of taking the city of Antwerp, and destroying the ships and stores which might be found in that port; and that the said armament returned home without effecting the object of its equipment, and having its numbers miserably thinned by a disease, the certainty of the occurrence of which seems to have been known to every body, his Majesty's ministers alone excepted; and the petitioners further beg leave to represent to the House, that, in considering the foreign policy of the different administrations who have managed the war with France, they find, that, whereas on our entrance into the said war, all the great powers of Europe were in alliance with us, they are now arrayed on the side of the enemy; and that the general result of the present long protracted hostilities is, that, notwithstanding the most gallant exertions on the part of his Majesty's fleets and armies, the limits of France, instead of being contracted, are greatly extended, and that her power, instead of being checked, reigns paramount throughout almost the whole of Europe; and the petitioners, moreover, beg leave humbly to state, that their feelings on the above-mentioned subjects are greatly aggravated by the scandalous system of peculation which has of late years been disclosed, and by the profuse expenditure of public money, which has occasioned the grievous weight of taxation under which the nation now labours; and the petitioners do humbly conceive, that a long train of misfortunes such as they have enumerated, and the consequent diminution of the relative strength and political influence of the nation, must be imputed as matter of blame either to the commanders employed to execute the measures of government, or to ministers who by the unskilfulness of their plans have lost attainable objects, or by their folly and obstinacy have wasted the efforts of the nation on objects which are unattainable; and yet the petitioners are compelled to state, that, save in the case of the commander of the expedition to Buenos Ayres, no individual, either minister or general, has been brought to punishment as being accountable for the losses and misfortunes which have befallen the British arms; that, on the contrary, the plan and conduct of one disastrous expedition after another stands vindicated on the journals of the House; and that nothing appears there to deter his Majesty's ministers from again wasting the blood and treasure of the country, as they have lately done in the expedition to Walcheren; and the petitioners further beg leave to state, that they are humbly of opinion that this impunity of the planners and conductors of disastrous enterprizes, and the consequent repetition of such enterprizes, is no otherwise to be accounted for than by the mode in which many of the members of the House obtain seats therein, and especially by the introduction into the House of numerous placemen, pensioners, and dependents on the minister for the time being, whom the petitioners humbly conceive to have an obvious interest in forbearing to condemn, when condemnation would remove from office those to whom they look up for fortune and influence; and the petitioners further beg leave to state, that this their opinion has of late been strongly confirmed, by the open defence of the system of parliamentary corruption which, during the last session of parliament, was set up in the House, and which drew from the Speaker the memorable remark, that the practices so defended were practices at the mention of which our ancestors would have started with indignation and disgust; and that the petitioners have been still more strongly confirmed in the opinion above stated, by the fact that lord viscount Castlereagh, a member of the House, was in the said session convicted of the twofold offence of offering East India patronage in barter for a seat in the House, and that this offence, and the vindication of the system of corruption above alluded to, were passed over by the House without any vote of censure thereon; and that Sir Francis Burdett, bart. also a member of the House, having in a letter to his constituents on the committal of John Gale Jones, questioned the right of the House to commit any one not being a member of the same for an offence cognizable by the laws of the land, has, for the publishing of the above-mentioned letter, been himself committed a prisoner to the Tower; and the petitioners further beg leave to state, that, reflecting upon the long continued impunity of the authors of national disasters, and also upon the impunity of lord Castlereagh, and the vindicators of parliamentary corruption, as compared with the proceedings lately adopted against Sir F. Burdett, they are greatly apprehensive that an opinion may go abroad among the people at large, that a zealous maintenance of the liberty of the subject is a more flagrant offence in the eye of the House than the wanton destruction, by rashness and imbecility, of thousands of his Majesty's gallant soldiers and seamen, the profuse expenditure of the public resources, or the corruption of the representation of the people; and that the petitioners, abstaining from animadversions on matters which will in all probability become the subject of legal investigation, humbly state to the House, that, considering the premises, and being anxiously desirous that the true dignity of the House should be maintained, they do strongly but respectfully press upon the consideration of the House the necessity of a reform in the Commons House of Parliament, which may ensure the purity and integrity of the House, and above all the responsibility of ministers; and they further beg leave to submit to the wisdom of the House the expediency of summoning Sir F. Burdett to assist in the deliberations which must necessarily take place on this momentous subject, and also of performing what the petitioners cannot but consider as an act of justice, the liberation of John Gale Jones from imprisonment."

General *Tarleton* stated that he concurred in that part of the Petition which related to reform, but could not give up the privileges of the House. He moved that it be laid on the table.

General *Gascoyne* seconded the motion. He agreed in the respectability of many of those whose signatures appeared to the petition. But its sentiments were by no means that of the majority of the population of Liverpool, which contained 100,000 inhabitants. Not one-tenth of those he thought would sign that petition. His hon. colleague had himself not very long ago entertained a different opinion. In general the inhabitants of Liverpool were content with the blessings they enjoyed, without being disposed to cavil and exaggerate evils.

Mr. *Whitbread* remarked that there appeared a disposition in some gentlemen to discredit petitions when they came to that House. This petition pretended to be nothing more than an expression of the sentiments of the 3,000 persons who had signed it. As to the allusion to a change of opinion, the hon. general would recollect that the member for Yorkshire had strenuously contended that the strongest proof of independence was to vote sometimes with one side and sometimes the other. There was one signature which added greatly to the weight of the petition—he meant that of Mr. Roscoe, a most enlightened patriot; and the hon. general would forgive him the wish, that Mr. Roscoe had presented the petition, and that the honourable general had signed it.

The Petition was then laid on the table.

[PETITION FROM WORCESTER FOR PARLIAMENTARY REFORM.] Mr. *Robarts* presented a Petition from the Inhabitants of Worcester in favour of Parliamentary Reform.

Mr. *Gordon* seconded the motion for its being laid on the table, and expressed his determination to support such a Reform as might be consistent with the safety of the constitution.

The Petition was read, setting forth:

"That the Petitioners are of opinion it is indispensable for the preservation of our admirable and revered constitution, that the House should be so formed as to become in reality what it is in theory and in name (that is to say,) that it should actually consist of the representatives of such as pay taxes to the State; and that in various petitions which have been presented to the House, the defective state of the representation has been clearly pointed out; and particularly in a petition presented by Charles Grey, esq. (now earl Grey,) on the 6th day of May 1793, it was stated, and proof thereof was offered to be adduced, "That the House of Commons did not fully and fairly represent the people of England; that the elective franchise was partially and unequally distributed; and that the right of voting was regulated by no uniform or rational principle;" and "that Rutland and Yorkshire (the one the smallest and the other the largest county in England) returned an equal number of representatives;" and that in such petition are enumerated various other anomalies in the representation equally glaring, as will appear by a reference to the said petition, entered on the Journals of the House; and that in the opinion of the petitioners it is owing to these defects in the constitution of the House, that the nation is now groaning under a weight of taxes almost intolerable, occasioned by impolitic, ill-conducted and disastrous wars; and also that to the same cause is to be ascribed the present temper and feeling of the people, who are unhappily led to regard the House as having ceased to be the efficient guardians of their rights, their liberties and their properties; and the petitioners having seen that the hon. Thomas Brand, one of the members of the House, has given notice of a motion on this subject, do therefore earnestly request that this House will give the same their most serious consideration, in order that means may be adopted, not only for shortening the duration of parliaments, but for carrying into speedy effect some measure of radical reform, calculated to remedy the grievances complained of, and to entitle the House to the affection and full confidence of the people."

[PETITION FROM CANTERBURY FOR REFORM IN PARLIAMENT.] Mr. *Wardle* presented a Petition from the freemen and inhabitants of Canterbury, setting forth, "That the petitioners, the freemen and inhabitants of the antient and loyal city of Canterbury, assembled before the Guildhall of that city, on the 14th day of May 1810, humbly beg leave to lay before the House their heartfelt regrets at the late proceedings of the House, in which are involved the seizure and commitment of two of their fellow-subjects, on a charge of having offended the House by their writings, the breaking open of a dwelling house with an armed military force, under the alledged sanction of a warrant from the Speaker of the House, and the foul stain of murder fixed by two coroners juries on that body of troops to which the care of the royal person is more particularly confided; the petitioners neither wish nor mean to insult the feelings of the House by an open and explicit declaration of their sentiments on these subjects, and they humbly trust that the House will not be offended when they say, that they feel exactly as the House would feel, supposing, what cannot happen in this reign, that the King should by armed force break open the house of the Speaker, and convey him to the Tower, for having uttered an expression in a pamphlet, which however true in itself, might be offensive to some corrupt member of administration; and the petitioners do further beg leave to state to the House, that where the reign of unlimited privilege begins that of liberty ends; and that they, in common with the great mass of their countrymen, are thoroughly convinced, that if a body of men is allowed to be prosecutor, judge, jury, and executioner in its own cause, there is not sufficient virtue in man to prevent that body from becoming arbitrary, oppressive, cruel, and tyrannical; the petitioners do therefore most humbly entreat the House to revise their proceedings against Mr. John Gale Jones and Sir Francis Burdett, and to state in what their offence consists; for in the paper of the former the petitioners can see nothing to excite such indignation in the House: and the letter of sir F. Burdett to his constituents most ably, legally and constitutionally discusses the question of the confinement, and has never been refuted; and the petitioners are the more earnest that the House should revise their proceedings in these respects, since they are not able to account for the unexampled severity of the House towards Mr. John Gale Jones and sir F. Burdett, and the refusal of the House to enquire into the conduct of lord Castlereagh and Mr. Perceval, who at the time stood distinctly charged with the sale of a seat in the House, evidence of which was offered at the bar by a member of the House, and it was declared in the House, "that such practices were as notorious as the sun at noon day," practices at the bare mention of which the Speaker of the House declared that our ancestors would have started with horror and indignation: now the petitioners humbly beg of the House to consider, which is of the greatest importance, the preservation of, to say the least, a doubtful privilege, or the preservation of the country from corrupt and dishonourable practices; and in what light it will be considered by posterity, that sir F. Burdett, a real representative of the people, should be confined in the Tower, and Mr. Perceval should be at large in the House, and should take so great a share in the rejection of Petitions coupling his name with a transaction of a most odious nature, from a charge of which he ought either to be relieved, or to receive the severest censure of the House: and that the evils of which the petitioners complain, and many more which they could enumerate, they attribute to the state of representation in the House, which, if suffered to continue, may place the country in such hands as will render the House totally ineffectual for the grand purposes for which it is designed, and make it, instead of the pride and honour of the kingdom, the contempt of our own country, and the laughing stock of foreign nations: the petitioners do humbly, therefore, intreat the House to adopt such reforms in the representation as shall prevent any individual from possessing in his own right the means of controuling the votes of members of parliament, and to restore immediately to his seat sir F. Burdett, that at this aweful crisis, and in this most important work of reform, the House may have the benefit of his advice and assistance; and the petitioners do deprecate the idea, that the House should ever stand in need of the military for its support, as their earnest wishes and prayers are, that the House may be entitled to the utmost respect and veneration of the whole kingdom."

The said Petitions were severally ordered to lie upon the table.

[FOREST OF BERE.] Lord *Cochrane* adverted to the impropriety of allowing the bill for dividing and inclosing Bere forest to pass unknown to him, when he had given notice of a motion on the subject. He strongly objected to the parcelling away of the royal forests in this manner among individuals, when the scarcity of timber was so severely felt, and the expence of ship-building had risen to double its amount some years ago. He moved that a committee be appointed to examine into the interest of the crown in Bere forest.

Mr. *Rose* stated, that as to the allowing of the bill to pass, his lordship had had an opportunity of attending, as the bill had by no means been hurried through the House. The interest of the crown had been carefully ascertained by the surveyor-general, and every attention paid to it. Only 8 or 900 acres of it belonged to the crown, which could not be inclosed till a division was made. By the division the crown had secured 1,500 acres, which might be inclosed, and the timber consequently preserved. This forest was not a royal one, the crown having only a small part of it. He saw no ground for the noble lord's motion.

Mr. *S. Bourne* stated that as the forest formerly stood, it was impossible to preserve the timber. The bill to which the noble lord objected was designed to accomplish the very object which he himself appeared to have in view.

The motion was negatived without a division.

Lord *Cochrane* then proposed a Resolution, That due notice should in future be given in the orders of the day respecting the proceedings upon bills granting away, diminishing, &c. the rights of the crown in the forests, &c.

The *Speaker* stated that it was customary at present where the crown was interested, for the Speaker to ask whether the consent of the crown had been given. A plan, however was under consideration in a committee above stairs for having the several stages registered, so that any person might at once ascertain the stage of any such bill as this. The plan as to public bills was already known. Those that were both of a public and private nature were to be subjected to the double guard of a committee above stairs and a committee of the whole House.

Mr. *Chute* expressed his surprise at the charge of precipitation in the proceeding on this bill, when it went on slower than bills of this nature usually did.

The *Chancellor of the Exchequer* said, that a very effectual guard existed for the protection of the property of the crown. The surveyor-general examined, and reported to the treasury board, and they decided, whether the consent of the crown should be given. As to the bill in question, enough had been said to shew that the noble lord had been completely mistaken in his ideas respecting it.

Mr. *Fitzgerald* agreed with the noble lord, that additional precautions were necessary with regard to these bills.

Mr. *Wilberforce* observed, that the practice with regard to the property of the crown, was exactly that with respect to the property of individuals. The crown and individuals stood on the same footing with respect to notices, and every thing was conducted in a way that precluded private interest and favour. An exact inquiry was made by the surveyor-general before the consent of the crown was given. He mentioned a forest in Lancashire of which the crown had only a small part, which was useless for the purposes of raising timber when undivided and uninclosed, but which, by being divided, as in the present instance, was in a fair way of being very valuable.

Lord *Cochrane* thought, that when individuals came asking favours, the House ought to stipulate with them in favour of the public.

The motion was negatived without a division.

[REFORM IN PARLIAMENT.] Mr. *Brand* rose to submit to the consideration of the House the motion respecting parliamentary reform, of which he had given notice previous to the recess. When he considered the vast importance of this great question—when he looked to the internal situation of the country at the present moment—when he perceived that much of its difficulty, and all of its danger, arose from withholding a moderate reform in parliament from the wishes of the nation; but above all, when he contemplated the essential importance of this question to the liberties and rights of the empire, he felt the weight of the task he had undertaken—all the difficulties that belonged to it pressed upon his imagination; and he became more deeply sensible of his inability to do justice to the question. Before, however, he should enter upon the subject of his motion, he must beg leave to say a few words, which would relate personally to himself, in explanation of his motives in bringing it forward. At an early period of the session he had intended to have submitted to the House a motion similar to the present. On the morning (previous to the commitment of sir F. Burdett) of the decision of that House after the important discussion upon the Walcheren expedition; a decision which had excited so strongly the feelings of the public, and attracted so much suspicion upon that House, and drawn down so much and such just censure upon his Majesty's ministers, he had determined to bring forward this motion. An hon. friend of his had, however, at that time dissuaded him from putting his intention into execution; and the arguments of his hon. friend on the occasion appeared to him so sound and cogent, that he was induced to defer for a short time the motion which he had determined to bring forward, though his purpose most certainly remained fixed and unshaken.

The reason, which influenced him to make this statement of his former determination, was that he might refute the calumnies which he had already heard, and which he had no doubt he should hereafter hear urged against him, as to the time and circumstances under which he had thought it right to bring this subject before the House. It had been insinuated against him as matter of charge, that he should have thought of making any motion respecting parliamentary reform in the absence of sir Francis Burdett, who was considered the principal supporter of such a measure. But the statement of his fixed determination upon the subject, previous to the events which led to the absence of that hon. baronet, was the best answer to such a charge. Besides, it was well known to most of the very respectable constituents whom he represented. What were his opinions as to the necessity and expediency of parliamentary reform—they expected from him that he should bring the subject into discussion—and in making his motion on this night, he should only be discharging a duty which was expected from him, and he was solemnly bound to perform.

The events which had already taken place, and the consequent agitation of the public mind on this particular subject, alike rendered this duty imperious. A moderate reform of parliament was absolutely essential to the welfare of the community. It was a measure, which the violent demanded, and the prudent deemed it wise to encourage. The critical situation of the country called for it as the best means to dissipate the alarm which was so general, and to allay the discontents of the nation. If they wished to recover or preserve the confidence of the public, they must take speedy measures to conciliate the people—they must identify more with the people. It was notorious that there were at that moment in the House about seventy members, who were sent there at the nomination of certain individuals, the proprietors of the boroughs which they represented. Surely it could not be said that such members were representatives of the people in that House. They in reality only represented places, which having been formerly rich, opulent, and populous, had obtained the privilege of sending members to that House: but that right was virtually extinguished in consequence of the decay, and impoverishment, and decrease of population, which had subsequently taken place. These were circumstances too generally known, and too universally admitted, to require any demonstration. Evidence had even been offered in proof of the fact at their bar, and, therefore, it was unnecessary for him to attempt to establish by argument what was so notoriously borne out by the fact. The evils resulting from such a state of the representation were two fold; first, many decayed, rotten, and uninhabited boroughs sent members to that House, which had the effect of disfranchising a large portion of the population of the country; and, secondly, many opulent and populous places sent no representatives whatever to parliament. There were various other evils attending the present system which he should hereafter allude to, but the two he had thus stated would be sufficient for him to notice at that time.

Before however he should proceed to the detailed consideration of the evils that existed, and the remedy to be applied, he begged to say a few words as to the mode which he proposed to pursue. The grievance, as he had stated, was universally admitted. Every man thought that a reform in Parliament was necessary, but most men were alarmed at any idea of sudden or violent reform. He was ready to admit that he was one of those who felt this alarm; and, however partial he might be to his own plan, his intention was in the first instance, to move for a Committee, in which it might undergo a vigilant revision, and he would have the opportunity of adopting any amendments which might be recommended. His first step, therefore, would be to move, that a Committee be appointed 'to inquire into the state of the representation of the people in that House, and to suggest what remedies might be applied to any evils that existed. But previously to his making that motion, he felt it a duty he owed to the House, to state specifically the plan which he had it in contemplation to recommend, if it should be the pleasure of the House to accede to his motion and resolve into the Committee. (Hear! hear!) He was not without hope, too, that his plan would meet the support of many of his hon. friends, as well those who wished well to reform generally, as those who were alarmed at the idea of any sudden or violent reform. Having stated thus much as to the manner in which he meant to proceed, he came now to the principal evils which he wished to have corrected, and to state the remedy he proposed to recommend.

The first, the most obvious, and the greatest evil that existed was, that so many members of that House were nominated by individuals, the proprietors of decayed boroughs. The remedy for this evil was to be found in the good old constitutional practice of the legislature. He was not disposed to look to any innovation —he should not consult any fanciful theory or speculative system—he would be guided by the sound practice of the British constitution, and in that he should find means enough to remedy the evil of which he complained. It was well known to have been the constitutional practice of old to relieve, on their application, particular boroughs from the *onus* of sending representatives to parliament. The same principle upon which this practice was founded, would authorise the disfranchisement at the present period, of such boroughs as no longer possessed property or population to entitle them to such a right. This principle had been uniformly acted upon, and he trusted that on the present occasion it would be applied by that House, in order constitutionally and effectually to correct the defects in the state of the representation. He trusted that the decayed boroughs, whose representatives were sent to Parliament at the nomination of individuals, would be disfranchised, and that the right of returning members to that House would be transferred to more opulent and populous places. There could be no question that it would be more desirable to have in that House, members uninfluenced by any external controul, than such whose opinions and votes must be controuled by the individuals who nominated them.

But, as he had before observed, the remedy was pointed out by the constitution; and the only difficulty that occurred to him in its application was, how they were to ascertain what boroughs were so decayed as to be proper objects for disfranchisement. There were, he had reason to know, above thirty boroughs which had not fifty voters each, and the representatives for which were consequently nominated by the proprietors of the boroughs. But it would be altogether for the Committee, if he should succeed, as he hoped he should, in his motion, to ascertain what boroughs were in that state, and to recommend to the House to disfranchise them—a recommendation which if made he trusted that House would not fail to act upon.

Now that he was adverting to that part of the question, he should beg to make one or two observations on the right of election. That right, he must contend, could not constitutionally exist in depopulated and uninhabited places. Property real and personal, and population, must and ought to be the basis of such a right. When a place became deficient in population, and no property existed in it but what was possessed by the individual claiming the power of nomination, then the place must cease to possess the right of returning representatives to Parliament: and no consequences could result from that right being suffered to remain with them, but such as were injurious and detrimental to the nation. That property and population formed the basis of representation, he clearly collected from the spirit of the constitution. It was a principle recognised and established by our ancestors, and he found it pervading every one of their measures respecting the constitution of Parliament.

The elective franchise for counties had very wisely been given to the freeholders of such counties. He should not think of altering that arrangement, but was of opinion that the copyholders should also be allowed to vote; as he could see no ground in reason or principle, why they should not, equally with the freeholders, be permitted to vote for county members. In this part of his plan, therefore, he should propose no innovation. He recognised in its full extent the principle of making property the basis of the elective franchise: for property would, inevitably, possess its influence, in spite of the theory of the philosopher, or the violence of the people. The counties, therefore, he should propose to leave as they are at the present, with the exception of adding the copyholders to the freeholders; and, after the destruction of the feudal system in this country, he could see no objection to a bill for enfranchising copyholders. This was in fact the only alteration he proposed to recommend in the regulation of the right of voting in counties, except in a few of the northern counties, and in Scotland, of which he should say something before he sat down.

In the metropolis, and in other populous places, he should propose that the right of voting should be given to all householders paying parochial and other taxes. This was a principle that had been recognised and acted upon by their ancestors; and in proposing to adopt and act upon it in the present instance, he thought that he removed the principal objection to reform. He was aware that this plan had not any of the ostentatious parade of theory, or the affectation of being rendered such as to be intelligible to even the meanest capacity; but it was all of pure English growth, and on that account, principally, he was inclined to prefer it. The representative system would be continued according to the sound old principles of the constitution; and no alteration would be made in any particular, but in extending the right of voting to copyholders in counties, and to all householders in populous towns and boroughs. In the northern counties of England, and in Scotland, he could not see any reason why the right of voting should not be assimilated to the practice in this country, and left in the counties to the resident freeholders and copyholders; and in the boroughs, to householders, paying parochial and other taxes.

Having made these observations on the right of voting, he came, in the next place, to consider the question of disfranchising such boroughs as were in the nomination of individuals. To this part of his plan he could not conceive any constitutional objection. It was conformable strictly to what had been the constant and uniform practice of Parliament in former times. But there was one very material difficulty attending it, which could not so easily be got over, viz. how far it might be proper to give compensation to the proprietors of boroughs. In principle, or on the ground of strict right, they could not have any such claim; because when the right became extinct in the boroughs, the people had the constitutional right to re-enter, and to claim the representation from such decayed boroughs. In feeling, however, and in equity, he thought that some compensation ought, perhaps, to be granted; at the same time that he should ever deny that the borough proprietors had any right to such compensation. Yet he would, with satisfaction, agree to grant some compensation; because, even though it should be prodigal, it would eventually be a saving to the country. He was sensible that this part of his proposition would not meet with the concurrence of those who were advocates for reform, but was, however, thoroughly persuaded, that, upon reflection, they would be of opinion, that, whatever taxes might be imposed in order to defray the amount of such compensation, this would be the cheapest payment ever made by the public.

He had thus briefly stated his plan, without anticipating any objections, or attempting to obviate them. What he had to say on this head he should reserve for a future opportunity, when he should hear what objections should be urged against his proposition. As the abolition of the rotten boroughs would necessarily reduce the number of members in that House, he had to come next to the consideration of that material part of the subject, the application of the members for the disfranchised boroughs, to places which have not hitherto been represented. Upon this head, not having the necessary evidence, it was impossible for him to be competent to point out the proper places to which to transfer the right of election. North of Oxford-street there was a population of above 400,000 inhabitants, who were at present not represented at all. In the west of England, on the contrary, many places returned members to Parliament without having any population deserving of notice. What claim, he would ask, could Gatton, Old Sarum, or the submarine inhabitants of St. Mawes, have to the right of sending representatives to Parliament? The right of election, in his opinion, should be transferred from these and such places to Sheffield, Manchester, Birmingham, and other populous towns, and the most populous counties. By applying such members as should be set loose by the disfranchisement of the boroughs in that way, the House would employ the sound constitutional remedy for the existing evil: they would restore the confidence of the country in its Parliament, and remove all those suspicions, which, in consequence of the late events, attached to that House, and that, too, without any innovation—without the adoption of any uncertain theory—and without any departure from the uniform practice of the constitution. There were repeated instances to be found in the annals of Parliament, of places having received the right of representation in the manner he now recommended. Whenever any town began to flourish, our ancestors took effectual care that it should not want a representative in that House to attend to its interests.

With respect to Scotland, he could not feel it so easy to point out a remedy, as he did with respect to his own country. He was not sufficiently informed upon the state of the representation in Scotland; but he should suppose, that there could be no objection to assimilate the election laws of that country to the laws of England. He was not aware that there was any thing in the contract for the Union of the two countries, that would or could operate to preclude such an arrangement. At least he considered it the duty of that House to inform itself upon that subject, and he could not bring himself to think that there would be any thing inconsistent with that contract, in the legislature endeavouring to ameliorate the laws of that country.

As to the state of the representation in Ireland, he was not disposed to propose any change. He should, however, bring that subject under the consideration of the Committee, if his motion should be agreed to. There were, he had no doubt, boroughs in that country, as well as in this, which were entirely in the nomination of some members of the aristocracy. But as the Union with that country was so recent, and the consequent abolition of boroughs there so extensive, he was not prepared to state how far that evil extended. The House, upon the whole, he was sure, would see and feel the necessity of adopting his proposition; because nothing could be so dangerous to the rights and liberties of a nation, as the forms of a free, and the spirit of an arbitrary government. (Hear! hear!)

He had thus given a general outline of his plan, which would go to obviate the two principal objections to the present state of the representation. Other gentlemen might consider other objections to the existing state of the representation of the people, of more importance; and particularly that respecting the duration of Parliaments. Upon this question he had bestowed much and earnest attention, and he found it one of enormous difficulty, but of extreme interest and equal importance. Septennial Parliaments had a tendency, from the length of their term, to weaken the relation between the elector and the representative, and to shake the dependence of the one upon the other. While annual Parliaments would be found not less exceptionable, from the shortness of the period, by leaving the representative too little accustomed to business to be competent to his duties in that House, and from the too frequent recurrence to the troubles and contests of Parliamentary elections. The one term was too long to please the people, and the other too short to satisfy the members. He, for his own part, would be inclined to take a middle course between the extremes of annual and septennial Parliaments, and to recommend triennial Parliaments; which, without the evils of either, would possess all the advantages of both.

But the difficulties in changing the duration of the parliament he must confess, would be immense, unless a concurrent change were to be made in the mode of making the return. On this head much discussion had frequently taken place, and various opinions were entertained. Some thought that the returns should be made by districts, others, that the votes should be taken by districts. To making the return by districts he had strong objections; of voting by districts he approved. He did not, however, know whether gentlemen had attended particularly to this point, but he considered it of considerable importance. He begged to exemplify the opinion he had given by a reference to the county (Hertfordshire) he represented. If there were four members to be returned for that county, for instance, and they were to be returned by districts, that would throw the whole of the representation into the four principal towns of the county. The freeholders of the towns would uniformly prevail over the freeholders of the county, because they could almost always outnumber them at an election, and consequently some inhabitant of the town would be generally returned. This would be to commute the county for the borough election. But if the votes were to be taken by districts, it would save much expence, and enable those, who at present are deterred by a consideration of the expence attending an election from offering themselves, to become candidates. Nothing need prevent the sheriffs from taking the votes throughout the different districts without subjecting the candidate to the expence of bringing up the freeholders from the extremities of the county to the place of the election. The votes might also be collected in the same way, throughout the different parishes in populous towns. Unless some such arrangement should be made it would be impossible he was persuaded to establish triennial parliaments without producing mischiefs of the most dangerous tendency.

He had thus briefly gone through the statement of the plan he had to recommend; and in order to prevent all misapprehension or misconstruction of its nature, must beg to recapitulate its principal features. The subject had been repeatedly discussed, and a great variety of opinions was entertained upon it. No man could, therefore, enter into the question without feeling much difficulty, and some inconvenience. To guard against misconception, therefore, he would restate, that he did not mean to touch the right of voting for county members, except by letting in copyholders, and assimilating the mode of voting in Scotland to the practice in this country; that whilst he left the right of voting untouched, he should propose to disfranchise the boroughs in which the members were returned upon the nomination of individuals; and, as the numbers of the House would be diminished in that proportion, to transfer the right of returning such members to populous towns, and to apply any surplus to populous counties; that he would recommend the duration of parliament to be made triennial, together with a concurrent arrangement for collecting the votes by districts and parishes. This was what he had to propose; but there was one other point remaining, to which it was necessary to call the attention of the House, and which would require a remedy, viz. the number of persons holding places and seats in that House. Something was necessary to be done on that head, but he was ready to admit that he did not think that all persons holding offices should be excluded from that House. He was confident, however, that with a view to the independence of parliament persons holding offices without responsibility should not be suffered to have seats in that House. He hoped, therefore, that a bill would be brought in to exclude such persons from parliament. On these grounds he had felt it a duty he owed to his constituents and to his country to bring forward his motion, and he trusted the House would give it all the attention it deserved. Of one thing he was sure, that they must either have a temperate reform or a military government. In saying that, he was not actuated by any hostility towards the gentlemen opposite, or by any feeling of attachment to the gentlemen on the same side with himself. The people demanded a moderate reform as their right, and, if their demand were not complied with, would endeavour to assert that right. What the result of such a struggle might be, it was not for him to anticipate; but in his conscience he believed that the country must have a moderate reform, or it would be subjected to a military government. If that House were to reject the former, then would the sun of the nation's freedom and greatness be for ever set; but if, on the contrary, that House should adopt reform, then would the sun of Britain rise from its present dark horizon, and dispelling those clouds with which it was overcast, again shine forth in all the splendour of meridian lustre. He should not trespass longer upon the attention of the House; but concluded by moving;—"That a Committee be appointed to enquire into the state of the representation of the people in parliament, and of the most efficacious means of rendering it more complete, and to report the same with their observations thereupon to the House."

Mr. *D. Giddy* felt that the present was a question of great difficulty: but it was a question, which nevertheless he would acknowledge had engaged his most serious consideration. He felt, too, that it derived additional weight from the character and talents of the hon. gent. who brought it forward; and the plan submitted to the House was certainly the most moderate and reasonable of any of the plans of reform which he had lately heard. He thought, however, that all the reforms which he had heard proposed went on a wrong principle, because it was his opinion that the people were virtually represented in every branch of the legislature. He conceived that the King represented the people in his executive capacity, and that the House of Lords might be considered as hereditary representatives: for it could hardly be contended by any body that the nobles, or he should rather say the noblemen of this country, had any distinct interest from the rest of the people. It was not here, as in other countries, that they formed a distinct class; for the noblemen of this country saw their nearest relations, and their own children, mixed in the general mass of society. How then could they have interests different from those of the rest of the community? He conceived that the House of Commons were virtually the representatives of the people, although they were not absolutely their delegates. He did believe that, if the House of Commons were really a House of delegates, it would be impossible that the other branches of the legislature could exist in conjunction with it. Such an assembly must be governed by every prejudice and biass of public opinion, and would gradually absorb the whole power of the state. Such a great share of public feeling and sympathy would always attach to a House of delegates, that the House of Lords could not weigh as a feather in the balance against them, and, indeed his firm persuasion was, that it would not be long suffered to exist as a branch of the legislature. This experiment had lately been tried in a neighbouring country (France); and the result of the experiment was in the knowledge of every person. The whole feeling of the country sympathized at first with the national assembly; and the king could no longer maintain the ground which the constitution of their own framing had assigned him. The history of our own country also furnished a remarkable instance how powerful a House of Commons was, around which the whole people rallied, and how soon that power was likely to be abused, and in its abuse to lead to the destruction of the liberties of the country. In our constitution, however, there was something of the delegate system intermixed with the representation; for there were particular members elected for large, populous, and commercial towns, who might be considered as delegates. Now it was a matter of opinion upon which men might well differ, whether there was not already enough of those delegates in the House of Commons under the present system? He would not say, that in his opinion, it would do any harm to disfranchise two or three rotten boroughs, and give representatives to two or three populous towns that did not return any. Others however, might think, that even now, there were too many members returned by popular election. This opinion did not seem altogether unreasonable, when it was considered how great a sympathy there was between the clamour of the mob and the opinions of some gentlemen in that House. He saw it laid down in all our constitutional books, that a representative elected for any county, city, or town, should immediately conceive himself to be the representative of the whole kingdom. How could this doctrine be reconciled with the delegate system? Nobody would venture to propose that the army and the navy should send their representatives to parliament, or that the inns of courts should return members. As the case however now stands, every person that is most distinguished in the military and naval service, in the profession of the law, and indeed in almost every trade or manufactory, found his way into that House, and communicated in the course of its deliberations, such information as could not otherwise be obtained. He certainly was acquainted with some of the boroughs in the South, one he would mention, Tavistock, and he did not think that Borough had been very unfortunate in its selection of representatives.

In talking of the best times of the constitution, he thought that he should speak of modern times; for certainly the condition of the House of Commons was not much to be boasted of in those times, when they were only assembled to grant subsidies, and were not considered an efficient part of the legislature. Whatever defects there might be in the theory of its construction, yet the system went on well. It was easy to draw plans of constitutions; but when they were put into execution, many that were good in theory were found bad in practice, and soon led to what was the simplest of all constitutions, a military despotism. It would be absolutely impossible to apportion exactly the mode of election according to the bases of property and population. It would be hard to say how many men of a certain property should balance a greater number of inferior property. A charge had also been generally made, which he believed was considerably exaggerated. In all the petitions now presented for reform, the practice of buying and selling seats was alluded to, and he believed it was supposed to exist to a much greater degree than it actually did. He did not doubt but that perhaps 10 or 12 seats in that House might have been so obtained. (A general laugh.) If the election was for districts, in every district there would be rich demagogues, who would be sure to get themselves returned by their wealth and influence. Some few individuals it, was true, might purchase in for the purpose of making money; but this was, indeed, a bad speculation. Among those who came into parliament from the influence of property, were many West India gentlemen. Now, when it was considered of what great importance the West Indies are to the empire, and the great revenues and commerce we derive from them, it was surely not unreasonable that some gentlemen connected with those interests should find their way into that House. He wished that those, who thought every thing bad in this country, would compare its situation with that of any other country in the world. All other nations had sunk in the struggle with France, but this country had stood its ground. And what had the people of this country to complain of? Nothing, but an accumulation of taxes, which a war of eighteen years rendered necessary. He felt the pressure of taxes as much as any one; but he knew that large armies and fleets were not to be kept without money. The country exhibited every mark of increasing prosperity. The canals, the docks, the public works and private speculations that were every day going forward, shewed the great and increasing wealth of the country. The climate even was improved, diseases were banished, human life was prolonged to a greater term, as was shewn by the bills of mortality, than ever it had reached before. The people were better fed, and that was a reason, why they should live longer. In such a state of superior comfort, was there any body who would wish to throw all our national prosperity to hazard, merely because they thought that one individual (Gale Jones,) who had libelled the House, had been punished in rather too summary a mode, or that an hon. bart. had been sent to the Tower for a violation of the privileges of the House. He was ready to contend that our government, and every government except an absolute tyranny, must be considered representative. He then recapitulated the observations he had already made, and declared that he was afraid of the first step to reform, however innocent it might seem. About the duration of parliaments there would be also a great difference of opinion. One man would wish for a triennial parliament, another would be for annual parliaments, while a third, whose lunar periods recurred oftener, might wish them monthly. Even if the plan then under consideration should be adopted, some would complain that the freeholders and copyholders engrossed the elective franchise. He feared therefore greatly, that if any changes were made in our constitution, they would finally lead us through the tumultous storms of democracy and anarchy, into the gulph of despotism.

Mr. *Noel* supported the motion. He by no means wished to change the constitution of the country, but merely to remedy these abuses which had been produced by time. When it was recollected that it had been offered to be proved at the bar of the House, that no less than 150 seats were disposed of by the nomination of a few individuals, he thought it was evident that some reform was necessary, and the reform proposed by his hon. friend appeared to him moderate and reasonable.

Lord *Milton* thought it impossible that any motion could come forward better recommended than this was. He hoped, however, that the House would not be induced to agree to the motion, merely from the high character, honour, and independence of his hon. friend who brought it forward with so much moderation and so much talent; and that they would not give less weight than it deserved to what had fallen from the hon. gent. who spoke last but one, merely from the part of the country he came from (Cornwall). The hon. gent. had said, that he only wished for the constitution, and to bring back the House of Commons to its constitutional purity, or rather to what he thought the House of Commons ought to be. Now with the information and historical research which his hon. friend had shewn, he would challenge him to point out the time, the year, when this happy æra was to be found, in which the House of Commons was in that state to which he would now wish to bring it. Would he go back to ancient times, and to the reigns of the Tudors, or would he wish to assimilate the House to what it even was in the time of the Stuarts, or more especially to that parliament in the reign of Charles 2, which was called *par excellence*, "the pensioned parliament?" His hon. friend would find, that in these very parliaments which passed the best laws, there were members sitting who represented such places as Gatton, Old Sarum, and Helstone, and all those boroughs which he wished to destroy with one dash of his pen. He was no particular friend to boroughs of this sort; but still he would say that they had introduced into the House, and to the service of the country, many men of the very first rate talents. The plan of his hon. friend was certainly fair to view, and specious. It seemed to be well-proportioned, and adapted to its end; but he believed his hon. friend was much mistaken if he thought that he could by any such plan make a better constitution than the old constitution of this country. In America there was an example of a constitution newly formed, and supposed to be nearly perfect in its theory. What was it, however, in practice? Did his hon. friend really believe that the constitution of America was as well calculated for securing the happiness of the people of that country as the constitution of England was for securing the happiness of the people of this country? (Hear, hear! from the ministerial benches.) His hon. friend wished the House to grant him a committee in order to see what might then be done with his plan. But if the committee were granted, some member might propose other and more extravagant plans. He did not mean to say this plan was an extravagant one, for he did not think it so; but if there was a committee, every member of it might think himself competent to propose his own plan, He did not wish for his own part to go to sea to hunt for constitutions; he enjoyed the British constitution, and was perfectly content with it. He wished that those who spoke of merely bringing back the House of Commons to the state it formerly was in, would also tell to what times they looked for that state of the constitution of that House to which they wished to bring it back? This was a thing which he knew they could not do. As to shortening the duration of parliaments, that was a proposition which he had no objection to; but he conceived it more a matter of regulation than of reform. He thought his hon. friend could not want a committee for that purpose, but that he might have simply moved for leave to bring in a bill to shorten the duration of parliaments. He might have also at once moved for leave to bring in a bill to abolish burgage tenures, without asking for a committee, who would have not only to determine on his plan, but on every other plan which could be proposed. Did his hon. friend mean to contend, that the members of that House were bound in every instance to obey the instructions of their constituents? For his own part he had every respect for the opinion of the people, but his conduct as a member of parliament he must regulate by his conscience. When he spoke of the people, he by no means meant the mob. He knew that gentlemen out of doors could form as correct opinions as gentlemen in that House; and when he spoke of the people, he always meant those who were possessed of information. If the House of Commons were to consist merely of delegates from the people, what security were they to give the people that they would act in that capacity? Were they to be bound by indentures never to act otherwise than as they were instructed by their constituents? The House of Commons would then be converted into a congress of ambassadors. He was inclined to think that the people were nearly as well represented in the present state of that House, as it was possible. It had been laid down as the principle of representation, that Englishmen should not be bound to pay taxes, except by their own consent: But if this principle was to be carried to its full extent, it must lead to universal suffrage, which hardly any reformer had yet recommended. The plan of an hon. bart. (sir F. Burdett) detailed to the House last session was, that the right of voting should be confined to householders paying taxes. If it were the assessed taxes which were meant, this principle could not have been applied before the American war; for until that time, there were no assessed taxes. This was sufficient to shew, that it was a new principle lately introduced, and not an old principle of the constitution. If direct taxation was not the criterion, there was not a pauper who would not have a right to vote as paying taxes; for when every article of consumption was taxed, every person must pay taxes in some shape or other. If then they were to stop short of universal suffrage, they never could get at the real theory of the constitution. If universal suffrage were granted, how would it be possible to collect the votes of nine millions of people. It was even found that in Westminster the voters were so numerous that they could be hardly polled in 15 days, and was also notorious that every Westminster election was a scene of riot. If the parliament were to be so altered as was proposed by this plan, the members of that House, upon every great question, would be guided not by their own judgments, but by the popular opinion, which was often wrong. He objected most strongly to choosing a time of public ferment for convening parliament. When the public mind was in a state of madness, any one that would come forward to the people, and talk a great deal of nonsense, had a tolerable chance of being returned; and it was in this manner that the country had such a parliament as the present. He thought that the House should not be governed much, upon this question, by the idea of satisfying the people; for it was impossible that they could ever satisfy those who were determined to be dissatisfied. The present plan of reform was not so much a plan to reform the parliament, as to reform the constituent body. He thought that any alteration in the constitution would be full of danger, and he therefore felt himself bound to oppose the motion of his hon. friend.

Sir *John Newport* deprecated innovations as much as any man. Gentlemen had no objection, however, to those innovations which had for their object to narrow the rights of the people. They had narrowed the right of voting in Ireland. They had taken away the elective franchise from the inhabitants of Shoreham, Cricklade, Aylesbury, &c. on the ground of their misusing the right; here they were only asked to do the same thing, on the ground that the right was, in the instances complained of, no longer applicable to the purpose intended. He had no manner of doubt but that parliament had strictly a right to do so in the case of any borough which, by misuse of its privileges, may have acted directly contrary to the objects on account of which the privilege was conferred. Those boroughs had the privilege to exercise for the good of the people; but instead of faithfully executing this trust, which the constitution and their charter imposed upon them, they made their election not for the people, but for the interest of the individual who had the nomination. His noble friend had cited, as an argument against reform, the example of the constitution of America. Now he must directly differ from his noble friend on the fact, and ask for what reason or upon what authority he had conceived that the American constitution was not as well framed for the happiness of that country, as the British constitution is for that of the people of this country? The people of America had been governed to their own satisfaction: their population, their commerce, their industry, and their wealth, had increased greatly under their present constitution: their taxes were low, and their public debt was constantly diminishing. In what respect then had the constitution of America been found in practice to have failed? He did not wish to see the fabric of our constitution pulled down altogether, because it appeared to him only to want some timely and judicious repairs. He thought the constitution itself sufficiently pointed out the repairs that were necessary. Without perfectly agreeing in all the ideas of his hon. friend, he thought that he had stated a case sufficiently strong to call for a committee. Those gentlemen who had already spoken, seemed to agree that it might be an improvement to extend the right of voting to copyholders; but yet they were afraid even to adopt this measure, for fear it should lead to other consequences of the danger of which they seemed to be particularly apprehensive. They might, however, have recollected, that last year the House passed some resolutions favourable to reform; and that a bill brought in by an hon. friend of his (Mr. Curwen) had passed that House, although indeed it was previously mutilated and mangled in such a manner as to prevent any good resulting from it. He believed that it would be a great advantage to obtain such a reform of that House as would be produced by the adoption of the plan of his hon. friend, even at the expence of giving compensation to the patrons of boroughs. He believed the only material advantage which Ireland derived by the Union, was getting rid of the rotten boroughs, even although the public paid for the purchase of them. He approved of most of the general ideas of his hon. friend, and thought that he had taken a right course in proposing a committee.

Sir *J. Pulteney* deprecated the wild notions which were so industriously diffused respecting the necessity and practicability of a radical reform in the representation of the people in parliament. The question, even if agreed to on the principles recommended by the hon. member, would only be productive of a little more or a little less alteration in the constitution of that House. When he found, that under this constitution as it now existed, a greater degree of security, a greater degree of civil liberty and a purer administration of justice prevailed than in any other part of the world, he could not bring himself to put these blessings to hazard by the inconsiderate adoption of wild and undigested schemes of reform. The hon. member adverted to the argument drawn from the failure of the Walcheren expedition in support of Parliamentary Reform, and asked whether if that measure were to take place, ministers would become better qualified to conduct expeditions, or whether it would have the effect of preventing wars.

Mr. *Jacob* contended that the decisions of that House were not to be ascribed to the preponderance of the representatives for rotten boroughs. If on the question respecting the Walcheren Expedition, the representatives of the cities and boroughs were put out of the account, it would be found that the number of county members who voted on each side were nearly equal. He thought the advantages derivable from a radical reform were much over-rated; nor could he think the plan of the hon. member would be productive of much benefit. There was a kind of Reform indeed that was very desirable; namely, that which should reduce the expences of elections. He was against the motion.

Mr. *S. Bourne* observed that it was very natural that any person or number of persons who were dissatisfied with the decision of a majority of that House, should persuade themselves that that majority not only thought differently from him or them, but from the majority of the nation also. So much had been lately heard of Magna Charta, that one might suppose that famous statute slept, until it was called into life and action by sir Francis Burdett. It was strange that that hon. baronet never should have mentioned the violation of Magna Charta when general Clavering and Mr. Sandon were sent to Newgate. And that he should have allowed the Speaker's warrant to be sent at midnight into the House of the latter, his drawers to be ransacked, and his papers brought away under the authority of that warrant. Where was the hon. baronet's exquisite sensibility for Magna Charta on that occasion? That hon. baronet had stated, that things had gone on well from William the conqueror to William the third, when the borough system began to prevail. Now, so far was he from agreeing in this opinion, that he would date the prosperity of the country, and the security and improvement of its constitution, precisely from that period. As to Magna Charta, nothing was more absurd than to take it as the standard by which we were exclusively to regulate ourselves. He suspected that persons talked of Magna Charta who had never read it. He did not wish to undervalue this grand Charter. But, as stated by a great authority, it was only intended to crop the luxuriance of the feudal system. Many of the provisions in that statute were wholly inapplicable to the present state of the country. Several of them related to ecclesiastical affairs; and the principle of every article that was good in it, was embodied, confirmed and enacted in the Petition of Rights, and the Bill of Rights. There was no period of our history in which the constitution of parliament was more popular and pure than at present. If the population was diminished in certain places that sent representatives to parliament, the House should recollect how much the constituent body was increased throughout the kingdom. They would also recollect the distribution of property that had taken place since the reign of Henry the sixth; that the qualification for a vote for knight of the shire, which was then fixed at 40*s.* was equal to 6*l.* in the reign of Queen Elizabeth and to 12*l.* in the reign of Queen Anne, and to 20*l.* forty years ago. The clamourers for Reform talked as if that House, when it taxed the people, did not tax themselves at the same time. It always was, as it should be the duty, and had been the practice, of the government when he was connected with it, so to combine taxation as that it should fall as lightly as possible on the lower classes of the community. Would the plan of Reform now proposed satisfy that class of persons whose petitions were on the table? He was persuaded it would not. They wanted sir F. Burdett's plan, the great principles of which were universal suffrage and frequent elections. That plan was opened to the House last session by the hon. baronet, and his adherents had been extremely active in the interval to rouse the counties and great towns to petition in support of it; and the result of their labours were the few petitions on the table. As to universal suffrage, it had been tried in two countries and completely failed in both. See the effect of it in France. See the effect of it in America. Of the latter country he knew nothing except from what he read, and from those who spoke of what they had been eye witnesses to. He read in one of these publications that in consequence of the system of election that prevailed in America, the popular branch of the legislature was so badly composed, that no honest tradesman would suffer one of its members to enter his shop.—He had also the authority of a noble lord (Selkirk) in another House, who had travelled much in that country, who visited it with strong prejudices in favour of its form of government, and who had studied its constitution in theory, and seen its operation in practice, that the scheme of representation by universal suffrage had completely failed. Whatever defects might exist in the representative system might be easily corrected, without having recourse to plans that, if pursued to the extreme that some hot spirits were disposed to push them, would at least endanger if not destroy the constitution.

Mr. *Wardle* observing, that an attack had been made on the plan proposed last session by his hon. friend (sir F. Burdett) and certainly not the less honoured from his being a prisoner in the Tower, and having a faithful recollection of the plan of his hon. and worthy friend, begged to call the attention of the House to its nature and features, from which they would see, that instead of there being any thing objectionable in it, it was highly the reverse. It went to two propositions, the duration of parliaments, and the description of persons who should have a right to vote. His hon. friend did not press any particular method of effecting these objects. He did indeed suggest, that freeholders, householders, and others, subject to direct taxations for church and state, should have a right to vote: and, as to the endurance of parliaments, that it should be brought back to the legal period. His hon. friend certainly did take property as the basis of political power. It was to property that they looked in the days of Henry 6, when the amount of income by which an independent freeholder was to be estimated, was fixed at 40*s.* If they were at this day to endeavour to ascertain the same thing, who, he would ask, were more likely to be independent than those who were able to pay the heavy burthens now imposed on the people of this country? He had no hesitation in declaring the feeling of his mind to be, that the right of election should be regulated by the property of the country, and should belong to those who contributed directly to the exigencies of the state. Who were they that now represented the freeholders of 40*s.* a year? They were comprised exactly in that class of men to whom he had alluded, namely, those who pay all the taxes of the state; and who by paying the whole taxes, are now the most independent body of men in the kingdom. The hon. gent. (Mr. S. Bourne) had said, that the constituent body had greatly increased. Why should it not do so, in proportion to the increase of property. It was a doctrine which he ever should maintain, that people could not be justly taxed unless they were represented. Henry 8, when he imposed taxes upon Wales, gave the people of that country representatives —thus laying down and marking this distinct line of right.

As to the duration of parliaments, the hon. mover preferred triennial. By an act of Edward 3, parliaments were ordered to be holden every year, and oftener if necessary. This rule was strictly observed from the 18th Richard 2nd, and was first infringed in the reign of Charles 1, when for 12 years together there was no parliament at all. After this time triennial parliaments were first introduced, and came, at the time of the revolution, to be considered as the law of the land, although, in the Bill of Rights, 'frequent parliaments' are the words made use of. The idea of triennial parliaments was a sentiment held sacred till the reign of George 1, in the year 1716, when instead of three years, parliament itself passed a law declaring that it should live for seven years. It might be argued that the supreme legislature cannot be bound. But if the representatives of the people took upon themselves to destroy the power of the people, he should venture to assert, that a more illegal act could not be committed; and that if ever high treason was committed against the state, it was in that very act. He begged leave to read to the House the sentiments of my lord Raymond on this occasion:—"The King, Lords, and Commons can no more prolong a parliament beyond its natural duration, than they can make a parliament."—Again, alluding to the despotic ministers of those days, the right hon. the Chancellor of the Exchequer might judge how far the words were applicable to the present times. He said—"A standing army and a standing parliament are fit instruments to support each other." The right hon. gent. would know how far this applied to himself and to the present ministers. He asked, what had passed last session? Was it not then admitted that taxation and representation should go hand in hand? That was all he asked. The advantages to be derived from this rule, he could not pretend to calculate; but when he heard the hon. gent. (Mr. Bourne) contend that, when that House imposed taxes on the public, they also taxed themselves, he could not forbear from thinking that the sums distributed from the public revenue among the members of that House might account for some of the votes passed by them. If all the people who paid taxes were entitled to the right of voting he entertained no doubt that there would be an end to corruption, as it would be impossible that bribes could be given to so vast a number of electors. How, then, could a seat in that House be swapped for a writership? Such a thing would be impracticable—it would be impossible. (Cries of hear! hear! and question! question!) As gentlemen seemed to be in such a hurry for the question, he should not trespass much longer on their attention, though, to his mind, the subject was of far greater importance than by this impatience they seemed to suppose. There was another reason, why he was anxious to see a more extended exercise of the right of franchise. It would do away the number of controverted election petitions, with which so much time was occupied. Between the reigns of Henry 3d, and Edward 4th, being a space of 200 years, there were only three petitions of the kind presented to the House. The question being again called for, the hon. gent. declined proceeding and sat down.

Mr. *Whitbread* rose to express his complete assent to the arguments and proposition advanced that night by his hon. friend (Mr. Brand). To the necessity of a reform in the representation he had been uniformly alive; and he had felt that necessity from long and mature research—from a reliance on the talents and integrity of those great authorities, which had for so many years pressed its adoption, as well as from the innate strength and irresistible conviction, which accompanied the very proposition itself. It had long and repeatedly engaged the attention of that House; by parliament its merits and demerits had been there before canvassed. It had to boast in its favour the coincident opinions of many great men, who, though differing on other subjects, in the necessity of parliamentary reformation, all concurred. It had been considered by Mr. Pitt himself as a measure of the most vital importance; and by him, acting upon that feeling, submitted to the consideration of that House, though it was prevented from being carried into effect only by a majority of 20 votes. To the introduction of such a measure no objection upon the ground of its being a rash and crude innovation, therefore could apply; and whatever difference of opinion may even now prevail, upon the propriety or expediency of bringing it forward; there seemed, however, to be a universal assent from all sides of the House, to the explicitness, the candour, and the moderation, with which his hon. friend had on that night introduced it. Notwithstanding the commendations pronounced by hon. members upon his hon. friend (Mr. Brand) for the display and illustration of all those qualities, it was impossible for him not to think, that from some of their insinuations his hon. friend had not been fairly dealt with. Motives were attributed to him for bringing forward the subject of that night, which no fair construction of his language or his conduct could warrant. It was charged against him that he was induced to press its consideration now, in consequence of the popular clamour, as it was styled, which prevailed out of doors,—that such a love of duty would not be felt or manifested by him if sir F. Burdett had not been sent to the Tower, and Mr. Gale Jones committed to Newgate. On the part of his hon. friend, he protested against such a construction, and he could do so with the more propriety, inasmuch as he had the best reason to be convinced, that no such influence operated with him. So far back as the morning of the decision on the Walcheren question, the hon. mover had intimated to him his determination of making a motion upon the subject. For reasons unnecessary then to explain, he (Mr. W.) had recommended to him not to press it immediately at that moment, not that he had ceased to entertain the least doubt of the propriety of its adoption. Indeed, as he had before said, there could be no reason for a change of his opinion, agitated as that question had been for almost half a century. In 1793 he voted for it; when brought forward in 1797 he took the same course; and so would he have voted in 1809, when it was introduced by sir F. Burdett, had he been in his place, from which he was alone prevented by the utter impossibility from the short interval between the notice and the decision, of reaching town from the part of the country in which he then was.

The motion now proposed, as it appeared to him, wisely abstained from urging any distinct plan; it followed the precedents which were in existence; it was the course pursued by Mr. Pitt when he came forward the advocate of reform; it was that adopted by the Irish parliament, when that assembly was impressed with the necessity of correcting the prevailing abuses in its constitution. Such also was the course recommended when he had the first opportunity of expressing his opinion on the subject, at the period when it was introduced by his dear and noble relative (earl Grey.) True it was, that at that period, one of the great and strenuous supporters of parliamentary Reform had changed his opinion upon it. Mr. Pitt, the minister of that day, struck with the awful change that had taken place in the political situation of Europe, affected, as he said, by those changes combined with certain appearances in this country, then called upon his noble friend to retract the notice he had given of bringing forward that question. But whence sprung the objections of Mr. Pitt? Was it that he had altered his opinion upon the intrinsic merits of parliamentary reform? Was it that he felt the arguments for its adoption less cogent, or the effects likely to follow from its accomplishment less salutary? It was no such thing. He objected to it not upon any grounds attaching to, or deducible from, the measure itself, but growing out of causes altogether extraneous. His opposition to it cannot be considered as directed to the merit of the measure, but to the particularity of the season when it was introduced.

An hon. gent. (Mr. S. Bourne) had that night vauntingly asserted that the principle of reform by an extension of the right of suffrage had been tried in two different parts of the world, and that in both the experiment had failed. He (Mr. W.) begged leave positively to deny it. Reform had not failed, because reform never had a trial. In America, so triumphantly referred to by the right hon. gent., (and where he could find authority for the description he had given of the members of congress, he (Mr. W.) was wholly at a loss to ascertain;) the experiment had not been made. There it was creation, and not reform, that had taken place; and what an awful admonition to that House must arise from inquiring, what the causes were which forced upon America the necessity of that creation. All the evils which accompanied that unnatural contest—all the calamitous consequences which first tore America from England, and scattered the seeds of future desolation throughout the whole earth, might have been avoided, if the British House of Commons had been at that critical and awful period reformed. To the corrupt constitution of the parliament, said Mr. Pitt, was to be attributed the alienation of the colonies—the disgrace of the parent country and the dismemberment of the British dominions. It could not, therefore, be said, that reform had failed in America; but it was too manifest that the want of reform in England had forced America to the necessity of a political creation; which, so far from failing in its object, had far exceeded the extent of human hope—exceeded, inasmuch as it was the work of one of the greatest and the best of men—of that patriot (Washington,) who communicated to the government he had reared a certain portion of the purity of his own spotless mind and unsullied life: inasmuch as it had grown from the weakness of infancy to the strength of manhood, engaged in all the pursuits which lead to greatness and to power—capable of existing upon its own resources, and too likely to become your future rival. If such was the case as to America, how was the assertion of the right hon. gent. borne out by a reference to France? Could he affirm, that even there the experiment of reform was once tried? Unfortunately for France, for Europe, and humanity, reform was refused. To all applications for the redress of abuse, for to every proposed amelioration of the system of its government, the answer of those then in power in that country uniformly communicated denial—until those denials terminated in the overthrow of the French monarchy. Then followed the horrible catalogue of miseries which some few in that House had predicted, but which so many of those who then would not believe, have now lived to see so lamentably realized.

When, then, such instances were plain to their understandings, was it not natural, that many persons in the country should now look to a reform in that House, impressed as they were with the opinion, that neither the American nor the French war, both events so replete with national calamities, would never have taken place if that House had been fairly constituted, and if it spoke the feelings and the wishes of the people? Was it not natural, when men contemplated the disastrous campaigns, the fruitless expeditions, the lavish expenditure of the nation's blood and of its means, which characterised so the political history of latter times, to attribute such effects to the want of that constitutional influence which the country should possess over the conduct of its public servants? When they see ministerial majorities ready to defend every rash project of war—to screen every delinquency—to protect every malversation, and to refuse every popular appeal for redress—could it be a matter of surprize to that House, to find the country anxious to correct that which they consider the source of all the national evils, namely, the imperfect representation of the people in the Commons House of Parliament? Then how was that remedy to be affected? It was to be effected, as his hon. friend said by looking into the principles of the constitution, and applying them to present circumstances. It was by giving to the people their due in returning men to that House who came there the representatives of the country, and not of their own money. But the hon. gent. opposite, has said that the peers constitute a virtual representation of the people. Did that hon. gent. (Mr. D. Giddy) forget the manner, in which such honours and dignities had been in modern times too frequently bestowed? Did he believe that the more the peerage was diluted by the prostitution of its distinctions, its honour was proportionably increased? Without any invidious application, he would suppose a case of a great independent commoner, from many causes possessed of considerable influence in that House and in the country: he would suppose too that to get the support of such a man must become a great object with the minister of the day. How could he more effectually proceed to accomplish his purpose than by holding out the honours of the peerage as the recompence for the desertion of the cause of the public?—Having thus excited no very commendable feeling of ambition, and with the facility of saying "much on both sides of a public question," which the member for Yorkshire (Mr. Wilberforce) had stated according to a great writer, to exist, was it not very probable to suppose that by such a pursuit the dignity of the peerage might be lavished in order to corrupt the members of the other branch of the legislature? Was there not some ground for believing that which had been often contended, namely, that such an instrument had the House of Lords been made as actually to suck at the best blood of the House of Commons? From the operation of such causes the House of Lords continued no longer what the constitution intended it, whilst the Commons stands in need of reformation.

In considering the mode of that reform that might be most eligible, it was impossible to overlook the consequences which followed from men finding their way into that House by the nomination of peers. Consider the relationship in which a person thus returned stands with a representative sent by a portion of the population of the country. The latter stands forward for the free choice of his constituents. He takes his place in this House unfettered. If circumstances should arise on which his constituents express their opinion, and request his support, what is his alternative? Should he even against his own judgment acquiesce with them or vacate his seat: (No! No! and some murmurs from the Ministerial benches.) If gentlemen would but wait with a little patience they soon should learn his opinion and that was, that the representative was not bound, whatever view he took of the question, to vacate his seat. But what was the case of a nominated member on a pinching question? Was he not bound either to vote for his patron or to vacate? The latter was the uniform practice when such circumstances arose: and it might be said in the one case, that the member refused to pay what some considered a legal debt, whilst there existed no objection to discharge the other, which might be termed a debt of honour. Such a man, the nominee for a borough, when he took his place in that House, came not as a representative of the people, but as the delegate of the nobleman. He was aware, however, that men of the first talents and strictest integrity were frequently in that way returned, and that in the present state of the representation, they could not from many causes obtain seats in any other manner. But the system of his hon. friend had the advantage of affording such men opportunities of being elected to serve in that house. And though it took away twenty nominators, it opened forty places where they could, from their talents and their character, establish claims to popular support.

But it was said by an hon. gent. (Mr. Giddy) that in that House there were many distinguished officers of the army and navy, and lawyers (of the latter a great superfluity,) who could not obtain seats unless by this mode of nomination. Did not the right hon. gent. know that some of the great cities and populous towns were in the habit of electing some of our naval heroes? Had he not an example before him. Let him look to the city of Westminster? Was it not at this moment represented by a noble lord (Cochrane) whose great and gallant services entitled and obtained for him the support and suffrages of his constituents? Had not lord Gardner, and before him lord Hood, been thus returned, standing forward as they did in the face of the people, and supported by that people in consequence of their professional services? So far as the assertion of the right hon. gent. applied to naval heroes, his statement completely fell to the ground.

There had fallen from his noble friend, (lord Milton) certain observations which he must confess he had heard with surprise. His noble friend had stated that at a popular election the man who could talk the greatest nonsense was sure to succeed. Now his noble friend had been engaged in a great popular contest, in which character was opposed to character, great natural interest to great natural interest, and money to money. The result had proved in favour of his noble friend, and without feeling inclined to make any invidious comparison, he would ask, what could have induced the people of Yorkshire to prefer his noble friend to his opponent; but that both he and his friends and adherents spoke better sense, and exhibited more constitutional principle? In this country the good sense of the candidate and the sound principles of the constitution would generally predominate at popular elections, he was convinced, unless some dangerous delusion in the shape of an hypocritical cant or a religious cry, was artfully raised to conceal some unconstitutional project.

It was now unfortunately but too manifest that in the public mind there prevailed a great and growing indisposition to that House.—(No, no, from many members) That such indisposition existed he was firmly persuaded, and he most apprehended that those who did not believe its existence, would not awaken from their delusion until it was too late. It had been generated by acts done in that House during the present and late sessions of

Parliament. Many of its decisions had given great disgust to the great body of the people, in so much, that in their wrath against that House they would deprive it of those privileges which to a House of Commons duly constituted they would freely grant and cheerfully submit to. The opposers of reform, indeed, endeavoured to deny that it is the wish of the country, and they ground the assertion on this, that the people have not petitioned for it. But years ago the people had petitioned, and the reason they did not repeat their applications was, that they feel disappointed and disgusted with the apostacy of those who once were firm supporters of it. They have found all their petitions for the redress of grievances disregarded; and in that very session they had seen the House of Commons frequently refuse to receive the prayers of the people. But it was most idle, most delusive and mischievous to believe, that they did not wish for reform in their hearts. Its necessity became every day more absolute. Wise councils might unquestionably do a great deal, for the country in its present situation, but for complete recovery, in his opinion, a reform in the construction of that House was essentially necessary. What, he would ask, had been the fate of other nations who neglected the means of national safety? Did Prussia reform?—Did Austria redress the people's grievances?—Why has Spain been the theatre of havoc and desolation?—Were their miseries to be traced to the experiment of reform? Or rather, was it not the effect of the resistance with which their respective governments treated every proposition of redress and amelioration?—Had Sicily reformed?—And what, notwithstanding the liberal assistance of Great Britain, will be its fate, unless that government shall be wise enough to accede to the reasonable wishes of the people? Subjugated Europe has fallen prostrate, not because she made rash experiments of reform on her systems of government, but by sanctifying every abuse, and pertinaciously refusing to accede to the just desires of the people; she destroyed the moral energies of her population, and though she placed arms in the hands of those, who ought to be her defenders, there remained nothing of influence over their hearts when brought in contact with the enemy.

What was the effect of the denial of reform in Ireland? It was this—that the corruptions of its Parliament became so glaring and so destructive, as to have rendered it necessary to merge it by an incorporating union in the legislature of Great Britain. Far better would it have been for the reciprocal happiness of both islands, that a course of a seasonable and salutary reform had been resorted to, and that the two independent Parliaments had been continued. When the hon. gent. (Mr. Bourne) talked of virtual representation and its beneficial effects, how was it that he did not speak one word of the representation of Scotland. Did it exist there? How was it that it escaped his observation? Was it that he knew nothing of its situation, of its crying grievances upon that subject; or that with the skilful adroitness of a dexterous pleader, he carefully abstained from touching upon that part of the subject in discussion: which must have exposed his fallacious sophistry. Compensation for boroughs had been alluded to by his hon. friend, but to arrangement for that object he was decidedly averse. There was not a feature of right connected with such a principle. The case here was different from that of Ireland, where compensations were made. There it was admitted by the right hon. gent. who now was at the head of its exchequer (Mr. Foster) that every thing connected with the union had been effected by means of money, and that every step of its progress had been procured by purchase for valuable consideration.

The hon. gent. then proceeded to comment upon the mischiefs which must follow from collusions between the patrons of boroughs, and the minister of the day, the one bartering his patronage either to gratify his ambition or his avarice; the other squandering the honours of the crown, or the money of the people, to acquire Parliamentary support. Suppose for instance, some great lord with his six, or seven nominees in that House, should, in the longing of his empty vanity grasp at those distinctions which were ordained to reward heroic achievements—that he should threaten the minister of the day with the defection of his nominees in that House, unless he obtained that ribband, which, though an ornament to merit, must when otherwise conferred, be considered a badge of disgrace to the wearer. Had such a case never happened, or was it it impossible that it should ever happen again? Had it never occurred that menaces of a similar nature were addressed to a minister, unless his countenance were given to some proposed public work, in which was, however, blended some little of private interest, but for the accomplishment of which the public money was to be entirely applied?—If, then, such things had happened—if they can happen again —who was it, that could deny that the compliance of such minister constituted the most profligate exercise of those powers which were entrusted for far different purposes?

But between the contending opinions of his hon. friend and of the hon. gent. (Mr. Bourne) opposite, he (Mr. W.) was placed in a dreadful alternative. His hon. friend said, that unless reform took place, a military despotism would follow. The hon. gent. on the contrary was fully persuaded that, if reform was acceded to, this country, after being dragged through the vortex of democracy, would at length be subjected to a military government. It was not for him to say that either consequence would follow, but in adjuring that House to acquiesce in the motion for going into a committee, he would appeal to the authorities of the dead to strengthen the admonitions of the living. I call upon you, said he, to bear in remembrance the mighty characters who have expressed their decided support to this question of reform. The horrors of that democracy which the denial to reform had accelerated in France, have subsided from their own exhaustion. England, though buffeted in the tempest, has escaped from the general wreck which has befallen so many other nations. Will she not profit even by their example? Will she, with their calamities and their fate, speaking to her with more than oracular force, refuse to redress her grievances, and, by such infatuation, hurry to the same destiny? Events have taken place within these walls which have sunk deep into the hearts of the people. It is true, that many of the gentlemen opposite think the impression done away, and that the popular reason is now righted. If the right hon. the Chancellor of the Exchequer, the first minister of this country, thinks himself justified by the decisions of this House, he must allow me to tell him, that he grossly deceives himself. Let me assure him, that the votes of this House, which were meant to justify his actions, have in no inconsiderable degree increased the advocates for parliamentary reform. Those fears, which springing from the changes of Europe in 1792, had so alarmed the mind against innovation, now cease to operate. All men see the absolute necessity of reforming—they see that danger pressing upon them which was so feared and so expected when our expenditure was ten millions—when afterwards twenty millions—How much more chilling the prospect when it has been increased to seventy millions? and when we contemplate the awful truth, that all human resources are finite? There was little to add to the reasoning already advanced at various periods upon the subject. But with respect to the sale of seats, he would contend that the man returned by his money could have little connection with the public feeling. With constituents he could never come in contact, perhaps never see them. He therefore had no bias to comply with their opinions. He felt and acted as the representative of his 5,000*l*. When versed in the system of ministerial management, he would not remain long backward in pursuing that course which he observed followed by so many to their own private advantage.—Mr. Whitbread next adverted to the Septennial Act, which, abstractedly considered, he thought most tyrannical, but which was in some degree justified by the motive which led to its adoption at the time, namely, the preservation and maintenance of the House of Brunswick on the throne of these realms. He would vote now for triennial parliaments, and for regulating the manner of taking votes, as recommended by his hon. friend. The latter would be a consequence of the first, and without it the other would be intolerable. Whether under a reform the members returned would be intrinsically better than those who now sat there, he would not say, but by coming in under so many popular checks, as much good would be produced as if they were intrinsically better. After expressing his wish to see, though not the efficient officers of the crown, yet their dependants removed from that House, he concluded with observing, that even though no other good was to follow but the satisfaction of the people, for that, the exertion should be made, and from its accomplishment the most salutary benefits would follow.

Mr. *Canning* conceived the question proposed by the motion to be plainly this, whether that House should declare itself inadequate to the performance of its functions—whether it should abdicate its authority? The House would, he hoped, pause before it decided in the affirmative upon such a serious subject. To what consequences such a decision must lead, 'through what variety of untried being,' it was likely to take both the House and the country, he thought it unnecessary to describe. And for what purpose was such a dangerous experiment recommended—to conciliate truly not the sober reflecting part of the people, because he did not believe any thing of this nature was requisite to their satisfaction; no; but, a particular class, whose study it was to create agitation and make a noise about reform. For that class he could never hesitate to express his confirmed disdain. They were not deserving of any favour from that House, because for that House or the constitution they felt no solicitude. If such persons could attain their object, they would constitute such a system of popular delegation, as could not exist as a co-ordinate authority in the constitution of England. There could be no question that there existed such a party in the country, who pretended a zeal for reform but in reality sought anarchy, and, as the best mode of accomplishing their object, reviled and distrusted that House, the object of whose views was not its improvement, but its destruction: a vain, contemptible, degraded crew, who magnified themselves into the nation, and diminished the nation into a faction; who declared their own infallibility, and depreciated the judgment of all others; a body who were too weak to be respected—too despicable to be feared. But even this wretched body, though they demanded reform, declared that the reform proposed, would not prove sufficient. No, they would have the House of Commons omnipotent; they would have it every thing; all other establishments nothing; they would make it, like the rod of the prophet, swallow up all around it.

An hon. gentleman who had spoken early in the debate, (Mr. D. Giddy) had ably and satisfactorily shewn the incompatibility of any co-ordinate powers in the other branches of the legislature, with the existence of a House of Commons, such as the wildness of the democratic theory supposes—an assembly, which should be in itself the full, complete, immediate, and adequate representation and concentration of the will, the wishes and the interests of the whole nation. This is not the nature, it is not the just theory of a British House of Commons: nor is the argument of the hon. gent. (Mr. D. Giddy) that such a House of Commons, if it existed, would draw to itself all the power of the state, the exaggeration of an enemy of reform. Friends of reform in former instances have delivered the same opinion. And one of the ablest men that ever professed the creed of parliamentary reform—a man who professed it honestly and without participating in the views and principles of the reformers of the present day—a man too honest and too enlightened, not to have changed in some degree the opinions of his youth, after the experience of the last 15 years, (he meant sir James M'Intosh, of whom he spoke with the sincerest sentiments of esteem and friendship). Sir James M'Intosh, in his most eloquent publication in defence of the early parts of the French Revolution, in discussing the question of parliamentary reform, had stated distinctly his opinion, that such would be the power and preponderance of a reformed House of Commons, that the powers of the Lords and of the Crown would be but "as dust "in the balance against it." That sir J. M'Intosh now or ever seriously wished for such a reform, he (Mr. Canning) did not believe. In him this declamation was nothing else but the ebullition of a young and ardent mind, enamoured of the fair form of ideal liberty, and of the theories, the fallaciousness of which, and the danger of which he had not then had occasion to appreciate. But what he declaimed in the sport and exuberance of a classical imagination there are those, who would now reduce to sober and fatal practice; for he had no doubt that such was the general opinion and calculation of those who now so clamourously called for reform out of doors. Therefore he would resist them, because he saw no good that could result from conceding to them, while there was too much reason to apprehend great evil. To explain the grounds of that apprehension, to shew the effects of any attempt at the practical application of theoretic notions of democratic reform, he need only refer to the cases, already quoted in support of the other side of the argument, of America and France—to illustrate the circumstances of the former his hon. friend (Mr. S. Bourne) had already quoted the authority of a writer, who, on his arrival from that country about ten years ago, was industrious in proclaiming the baneful effects of a democracy, although of late years, still more industrious in supporting those who looked for what this writer called reform.

For his own part, he would freely own, that indulging, as he did, every desire for the dignity of that House, and cherishing every rational hope for the prosperity of the people, he could never consent so to raise them above their natural level as that every other constituted establishment of the state should be "but as dust in the "balance." No; he would never conciliate the reformers at such a price; and, at any expence short of that, he did not think they were to be conciliated.

The case of France, he would contend, afforded an equally strong ground of objection to the description of reform sought by designing persons out of doors, as that of America. For what, he would ask, had been the case actually in France? The reformed legislative assembly absolutely set out with the principles of revolution; but even if they had not done so; if their ideas had been purely patriotic, they were, in the wild frenzy of fantastic reformation, so strangely constituted, that it was impossible they could move in a natural orbit; it was impossible they should not run into an irregular and eccentric course, whirling every surrounding object into their dangerous deviation. Would the House follow that rash and awful example? Would they go wavering and perplexed to a Committee, without any adequate means to attain their object, or even without any adequate object to attain—without one fixed idea, except the wise notion that whatever is, is wrong, and the sober expectation that, by some lucky expedient, the right may be hit upon! There was, however, one principle to which those reformers pretended, and which of late, they appeared unusually eager to profess—a veneration for the throne itself, and an high respect for the individual by whom it was filled. But, unfortunately, that House well knew such language had not even the merit of originality. By such pretences it was, the unhappy Louis had been deceived. By such men it was he had been deluded into the notion that he had an interest separate from his people, and a place in the hearts of those who flattered that they might betray him. He hoped sincerely there was not a man in that House, who was not eager to ward off the melancholy omen. Why (said Mr. Canning) why should we embark upon this dangerous voyage? Why should we trust ourselves to this unknown ocean? We have heard that the ancient empires of the earth have been uprooted; that the most solid monarchies have been crushed; that oligarchies the best established have been destroyed, and that England alone stands erect among the ruins! And why have we so stood? because, say the reformers, we have been radically corrupt. Sir, I will not bow to the whimsical deduction; I will rather deduce from some wise distinction the source of our prosperity. Like the nations which have fallen, we have a monarchy. Like the nations which have fallen, we have an aristocracy; but unlike every one of those nations, we possess—an House of Commons! This is our proud distinction; this is the sole palladium of our salvation; and this we are now called upon to regenerate, by the mad cry of unmeaning reformation!

But, (say the discontented) the House of Commons, constituted as it now is, has hurried the nation into extravagant expenditure, and unnecessary wars. It is not the fact. There has not been a war during a century, which was not in its commencement strictly popular. The people it was who goaded the government and the House to hostility—the people it was who forced and goaded even the pacific sir Robert Walpole into the declaration of war. The people it was who at first urged the American war, and at last decried it when it became unfortunate; the people it was who encouraged the war with France, which saved this country from all the miseries entailed on that. What a pity then it was, that the House and the country at large did not become converts to the opinions of the hon. gent. and the few by whom he was supported in opposition to that war! What a pity they were not dipped in the well of his political sagacity, that they might meet, rebaptised, all the inevitable mischievous consequences which must have followed. After having thus gone through the history of ages, the friends of reform scrutinized the present times, and passed their unqualified censure on every vote of that House, and on every member with whom they were dissatisfied. All with whom they were not pleased, had, it seemed, some sinister motive. Now, even allowing this to be the case; even allowing that some extra considerations did enter into the minds of each unpopular representative, how would the reformers remedy it? Would they banish human nature from their reformed House of Commons? No, but they would banish the boroughs.

Now, if they would only take the trouble to examine borough members' votes, they would find that just as many voted on the popular as on the unpopular side of the question, so they would neither lose nor gain by their reform. They might in this way alternately subtract from each side, till they had eradicated all. Decimation would be mercy compared to this plan of reform; and, indeed, whether one considered its motive or its consequences, its justice would appear exactly to correspond with its policy.

The accusations of the reformers against that House were exactly those which could be made justly against themselves, for there never yet was a state democratic and powerful, which had not a tendency to war. The compliances which they sought from the House it was impossible they ever could obtain. The House of Commons owed to the people, a manly but not a servile obedience; they should be respectful, but not enslaved; they should not watch the eye, nor bend to the nod, nor crouch to the unspoken will of the multitude, but proceed in the plain path of undeviating independence; they should act to the people as representatives, just as they should act towards their Creator as men, virtuously but freely, founding their hopes of retribution on their consciousness of honesty. He was as ready as the hon. gent. to lament, that more liberal and solid provisions had not been made for securing the liberty of the subject, at the period of the restoration; but this made directly against the right hon. gent.'s own arguments, for Charles the second was restored chiefly by the spirit and strong impulse of the people. Let it be recollected too that it was the extent of the popular influence, which at the restoration prevented the arrangement of those provisions for the security of popular freedom, which an hon. gent., repeating an observation in the celebrated tract of his deceased friend (Mr. Fox,) had expressed his regret did not take place. A just sympathy with the people, and a reasonable attention to their desires, was no doubt, the duty and must ever be the inclination of that House. The people, unquestionably, could reason fairly when they had time; but as, notoriously, their first impulse was feeling, he did not think it would be politic, or for the interest of the country, to have that House quite subject to popular controul.

Every class of the people he must contend was fully represented in that House, and its general conduct since the revolution, excepting the septennial act of the whigs, tended to ameliorate the country. Therefore he saw no necessity for the proposed reform. As to the argument of that necessity which had been drawn from particular votes, he asked what assurance could be offered that similar votes would not take place even after the desired reform? He believed that, while human nature was unchanged, no change in the constitution of that House could guard against some improper decisions; and he could not discern, 'mid all the perils of surrounding nations, a nobler security to English independance than the established House of Commons. Should he then ungratefully now forget those benefits? Should he impoliticly fling aside all hope of future advantage, and trust to the conflicting wisdoms of a reforming committee to strike out some new and speculative system? He saw no necessity for the experiment; the House of Commons was all that the honestly patriotic could desire it. What question but here met a discussion? What grievance but here met its remedy? What man in the land so poor but here had his advocate? The experiment of reform had been tried in France and failed. They had it before their eyes. No honest visionary in this country should now be so blinded as to seek here, in the hope of benefit, what the corrupt men there sought to cover their ambition. If they did, some more cunning and ambitous visionary would take advantage of the tumult to place himself on the throne. They would soon see popular commotion end in military despotism, and find philosophical disquisitions superseded by practical oppression. "I cannot consent (said Mr. Canning) to hazard this. If I am obliged to choose between the capricious chances of an undefined committee and the ancient edifice which has so long upheld our rights, shielded our dignity, and secured our interests, I shall not hesitate—'Stet fortuna domus.'—Let the venerable frabric, which has sheltered us for so many ages, and stood unshaken through so many storms, still remain unimpaired and holy; sacred from the rash frenzy of that ignorant innovator who would tear it down, careless and incapable of any substitution."

Mr. *Tierney*, without any wish whatever to make the House and the law "as dust in the balance," was nevertheless a decided advocate for reform. Early in life, and now still later in life, he was of opinion that some change in the representation of the people in that House must take place. This he believed to be the opinion and the wish of all the thinking part of the community. He could assure the House, that he did not express this opinion from any look-out for popularity. No, popularity had of late fallen into such hands, that it was really no object of ambition to his mind. It would, indeed, be vain for those who thought with him to start for popularity, in competition with the persons he alluded to. For he was persuaded, that those persons would always be sure to run before them. He had, indeed, no doubt that if he and his friends were to decide that all householders ought to have the right of voting, the persons referred to would demand universal suffrage, and that if all men were permitted to vote, these persons would call for the admission of the women; nay, more, that if the women were admitted, they would insist upon the addition of the children [a laugh, and hear! hear!]. These persons therefore, he could not expect to satisfy, but it was his wish to give satisfaction to the sober thinking part of the public, whose praise, although not so noisy, he must be naturally ambitious to deserve. Among such people he found the call for reform universal. Indeed, it was impossible to mix in any society without hearing that call repeated—without hearing the evils arising out of the existing system of our representation dilated upon—without in fact hearing the House of Commons spoken of with marked contempt. [Some murmurs]. Gentlemen might murmur; but he stated his decided opinion of what he knew. He would, indeed, call upon any member of the House, whatever walk of society he entered, to state what he heard upon this subject. He did not say that that House deserved contempt, although many arguments might be drawn from its conduct particularly with regard to the Convention of Cintra and the Walcheren expedition, which appeared to account for the sentiment of the public. But the very circumstance of the right honourable gentleman opposite being the minister of the country, and supported by that House, was enough to deprive it of the public confidence. That support such a minister could not have if the House were properly constituted. In fact, if it were not for the Scotch members, who could not be called representatives of the people, the right hon. gent. must have fallen in consequence of the Walcheren expedition. But of that expedition the right hon. gent. would have heard more, notwithstanding his first victory, if it were not for the case of Sir F. Burdett, which occurred so opportunely for the right hon. gent. Yes, the right hon. gent. availed himself with promptitude and alacrity of that lucky event. Lucky it was to him indeed—for he firmly believed that the right hon. gent. owed the tenure of his situation to Sir Francis Burdett [hear! hear!] Gentlemen on the Treasury Bench might cheer; but he was convinced that according to their own feelings Sir Francis Burdett was their best benefactor.—In the plan proposed by his hon. friend, he maintained that there was nothing new—nothing which had not been recommended by many of the greatest men the history of this country could boast—among whom were the great Chatham and his illustrious son. His hon. friend proposed that system alone which accorded with the principle and practice of the constitution, and which had simply in view to render that House what it ought to be—a constitutional check upon the power of the crown, and a sparing dispenser of the money of the people. He would, therefore, support the motion; and he begged the House to consider the consequence of refusing even to enquire into the cause of all that evil which the people so loudly and so universally deprecated.

Mr. *W. Smith* was surprized that there could be a doubt entertained of the undue influence in the House. It was proved that the peers had the power of returning seventy members, and yet the House would pretend to be indignant if a peer attempted to influence a vote of a member or a proceeding of the House. This was absurd and disgraceful. Why did they not at once expunge every resolution denying the right of the peers to interfere, and if they must be mean, let them be at least consistent? The quotation from Mr. Mackintosh, by a right hon. member, (Mr. Canning,) was completely misrepresented. That writer, in the passage alluded to, spoke of a tyrannical monarch and a slavish House of Peers, and concluded by saying, that a House of Commons justly chosen by the people, would easily master all tyranny in the people's cause.

Mr. *Ponsonby* declared his conviction that the abstaining of the House, during the last session, from punishing the undue influence exerted in elections by some of its members, was the stimulant that had so powerfully excited the popular discontent on the subject of representation. Adverting to the proposition of his honourable friend to strike off the burgage tenures, he observed, that he did not consider them so obnoxious as the small corporations, in which there existed more venality and less choice. Supposing, however, that they were equally bad, did it follow that the constitution would be subverted by their correction? These small corporations originated in the crown. The power of creating them had long lain dormant, but it might be re-exercised the next day. The crown could create, but it could not destroy. He did not see any thing in the proposition of his hon. friend which involved the fundamental principles of the constitution; there was nothing novel, nothing dangerous, nothing that could make the House of Commons so democratical as to overturn the other states. The only solid objection that he could imagine to his hon. friend's proposal was, that if the House once began to act in that way, it would be difficult to say where they would or should stop. He admitted that this was a consideration of great moment, and involving in it a danger from which this country had hitherto been exempt. Great Britain was the only free country in which the frame of the constitution had not been the object of political contest. In other free states these contests had been frequent. Hence in Rome the contest between the Plebeians, the Patricians, the Equestrian order, and the Tribunitiary power, by which at length the liberties of Rome were destroyed; the prevalence of the Tribunitiary power, and the letting in of the Albanian cities, making a way for the subsequent destruction of Roman freedom. But in this country there did not appear to him to be any such danger; for the crown had immense power, the House of Lords had great power, and therefore there was no apprehension that the democratic power, by a reform of the House of Commons, would become too preponderant. But, he would ask the House, did they run no risk by refusing all reform? What was the opinion of the sensible and reflecting part of the community on this subject? He had taken very great pains to ascertain it, and he was fully persuaded that they were far from being satisfied with the present state of the representation. Should the inquiry be entered into, and should it appear that the danger to be apprehended from any change was greater than the benefit to be expected, the people would be satisfied. For his part he could not see the danger. His hon. friend sought not to subvert, but to restore—not to improve by alteration, but to bring back the constitution of the House of Commons to its original principles. He was willing that the House on this momentous question, should act as a skilful navigator would act in an intricate navigation, who would not move without the lead and line in his hand. As to the details of any kind, he would not pledge himself to them; and for that very reason he would vote for the appointment of a committee. With the most perfect conviction on his mind that there never existed so good a constitution as the British, he was of course desirous to preserve all that was estimable, and to abolish only that which was confessedly bad; and above all he was anxious not to be supposed to countenance that which it was the fashion to call a radical reform.

Mr. *C. W. Wynn* opposed the motion, on the ground that a reference of the subject to a committee would unsettle the mind of every man in the country. When once the work of alteration was commenced, it would be impossible to say how far it might go. He could by no means accede to the appointment of such a committee, without pledging himself to some specific plan, and this he felt to be impossible.

Lord *Porchester* said, that he had listened attentively to all the reasons that had been urged on both sides. In his opinion there was but one motive that should induce the House to accede to the motion; namely, the pursuasion that such was the state of their organization that a repetition of the advantages which the country had heretofore derived from it could not be rationally expected. Now, although he admitted that there were many faults in the constitution of the House, he could by no means go to that length. Among all, who had spoken during the debate there were not two who agreed in their ideas of reform. If the House went into the detail, they would soon find that they had not heard a tenth part of the varieties of opinion, which existed on the subject. Unless the House therefore wished to throw the country into confusion, they would not endanger that fabric which had been the pride and safeguard of the country. On the whole, he should give his decided negative to the motion, convinced that such a vague proposition could not save but might ruin the country; at the same time he admitted, that it should be considered how that system of venality which at present existed could be best subdued.

Mr. *Brand* in reply said, he had not heard any arguments to prove that the House was, as he had asserted it not to be, the true representatives of the people. They did not stand as every man ought to stand, an independent and free agent, answerable to none but his constituents. He condemned the nomination of members by peers as more dangerous than the taking of premiums for seats. Whatever the fate of his motion might be on this occasion, he would feel it his duty to bring the subject forward again and again. There were indeed certain parts of the plan he had detailed to the House, which he meant to propose in distinct bills in the course of this sessions, if not too late—but if so, he pledged himself to submit these distinct propositions to the House early in the next sessions, and he had no doubt that their adoption would serve to raise that House in the estimation of the public. He had thought it incumbent on him to state what he thought would invigorate and revive the hopes of the people. An hon. gent. had called it an ill-contrived system, but he had never recommended any derogation from the established constitution. His object was to restore the ancient and constitutional rights of the people.—The House then divided:

For the motion, 115; Against it, 234; Majority, 119.

List of the Minority.

Abercromby, hon. J.
Antonie, W. L.
Bagenal, W.
Baillie, R.
Baring, A.
Baring, J.
Biddulph, R. M.
Bradshaw, hon. N. C.
Brand, hon. T.
Brougham, H.
Burrell, sir C.
Byng, G.
Calcraft, J.
Calvert, N.
Cochrane, lord
Coke, J. W.
Colborne, R.
Combe, H. C.
Creevey, T.
Cuthbert, J. R.
Daly, rt. hon. D. B.
Dundas, C.
Euston, earl of
Fellowes, hon. N.
Ferguson, R. C.
Fitzgerald, M.
Fitzpatrick, hon. R.
Fitzroy, lord W.
Foley, T.
Forbes, viscount
Gordon, W.
Gower, earl
Grattan, rt. hon. H.
Giles, D.
Halsey, Joseph
Hamilton, lord A.
Hamilton, sir C.
Hibbert, G.
Hobhouse, B.
Horner, F.
Howard, H.
Hume, W. H.
Hurst, R.
Hutchinson, C. H.
Jekyll, J.
King, sir J. D.
Kensington, lord
Kemp, J.
Lamb, hon. W.
Lambton, R.
Langton, G.
Latouche, J.
Latouche, R.
Lefevre, C. S.
Lemon, sir W.
Lloyd, sir E.
Lockhart, J. I.
Long, R.
Longman, G.
Lyttleton, hon. W. H.
Macdonald, J.
Manning, W.
Martin, H.
Matthew, M.
Maule, hon. W.
Milbanke, sir R.
Mildmay, sir H.
Milner, sir W.
Moore, P.
Mostyn, sir T.
Newport, sir J.
North, D.
Osborn, lord F.
Ord, W.
Ossulston, viscount
Palmer, C.
Parnell, H.
Peirse, H.
Pelham, hon. C.
Pigott, sir A.
Ponsonby, rt. hon. G.
Ponsonby, hon. G.
Portman, E. B.
Prittie, hon. F. A.
Pym, F.
Robarts, A.
Romilly, sir S.
St. Aubyn, sir J.
Savage, F.
Scudamore, R. P.
Sebright, sir J.
Sharp, R.
Sheridan, rt. hon. R. B.
Shipley, R.
Smith, J.
Smith, W.
Somerville, sir M.
Symonds, T. P.
Talbot, R. W.
Tarleton, B.
Taylor, C. W.
Tempest, sir H. V.
Thornton, H.
Tierney, right hon. G.
Townshend, lord J.
Tracey, C. H.
Turton, sir T.
Tavistock, marquis
Vernon, G. G. V.
Wardle, G. L.
Western, C. C.
Wharton, J.
Whitbread, S.
Wilberforce, W.
Winnington, sir T.

HOUSE OF COMMONS.

Tuesday, May 22.

[Foreign Timber and Shipping.] Mr. *Rose* moved the order of the day for the House resolving itself into a committee, to consider of the propriety of increasing the duties on the importation of foreign timber, &c. He then stated to the committee that the object to which he had to call the attention of the committee was of very great importance. It was that by adopting the policy of laying a heavy additional duty on the timber imported from the North of Europe they might encourage the importation of that essential article from our own colonies in North America.—The price of timber in the north of Europe had within these few years risen to an enormous extent; no less indeed than 300 per cent. Another disadvantage attending this trade was, that, in the present state of Europe, the timber was brought to us, not by British but by foreign ships, and this to such a degree, that he believed there was paid last year between 2 and 3 millions to foreigners alone for the freightage of timber imported, to the amount of 358,000 tons. He believed that one half of the timber necessary for our consumption might be procured from our own colonies in North America, which with the pines of Canada would nearly supply the whole, and even if it fell short of his expectations, the country would be compensated for the loss by other advantages. The system now in use encouraged not only the building of foreign ships, but the formation of foreign sailors, and by the measure he now had to propose, he trusted a change would be wrought, by which, instead of twice that number of seamen, trained for Denmark and Russia, to be employed against us by our enemies, about 15,000 would be created for ourselves. The measure would besides encourage our colonies. It would enable them to clear their grounds of timber, and induce the cultivation of flax, hemp, &c. for our importation. In return, the colonies would be enabled to take our manufactures, instead of our being obliged to send out for their timber, as we now did, our ships in ballast. The principle of his proposition was not new, it was as old as the days of Queen Anne. He adverted to an extraordinary and ill-judged assertion advanced by a noble lord (Cochrane) on a former night, that there was not timber enough in Plymouth dock yard to build one half of a seventy-four. He regretted the noble lord could have been so hasty, and recommended him more caution in making such unguarded assertions for the future. The timber now in Plymouth dock yard was out of all proportion greater than that specified by the noble lord. Upon all these considerations, he trusted the Committee would concur with him in the Resolution, "To lay an additional duty on oak wainscot, &c. imported under any shape from the north of Europe, and all timber not imported by the East India Company, or directly from our own colonies in North America."

Sir *W. Lemon* said a few words in favour of the Resolution.

Mr. *Horner* rose to call the earnest attention of the House, not so much to the present resolution, as to the alarming increase of foreign shipping in our trade thus incidentally brought under their eye on this occasion. The right hon. gent. had stated, that, last year, for the freightage of timber alone, to the extent of 380,000 tons, this country had paid to foreigners the sum of from 2 to 3,000,000*l.* and, on a former evening an hon. gent. well acquainted with trade, on the subject of the marine insurance, had informed them, that not less than 10,000,000*l.* was paid, the same year, for the whole foreign freightage. This he considered as an alarming increase of foreign shipping, entirely subversive of our maritime system. He again then entreated the House to take into their serious consideration this new and growing evil, which, in his opinion, arose altogether out of the mercantile system, so much the favourite of the right hon. the Chancellor of the Exchequer. Of this system, so persevered in, Buonaparté might be taking the advantage, and, like Cromwell, who, by diverting the trade from the Dutch, became the carrier and first maritime power of Europe, he might be deluding our government, by pretending a total disregard to commerce, while, in fact, even in the midst of war, by our own connivance he was creating seamen to man his fleets against us. For he could, at any time, transfer to his service the men thus employed in a neutral trade, of powers immediately under his controul. If he exercised his genius, as he was well able to do in this way, he would be playing a deep game, and deluding us by taking advantage of our own ill-judged policy.

Mr. *Rose* in reply, stated, that so far from encouraging foreign shipping, the Board of Trade never, in one instance, swerved from this principle; never to permit a foreign ship to go where a British ship could be employed. The hon. gent. talked of their being deluded; but how was this? It was by the strong hand of Buonaparté, which procured the exclusion of British shipping from the ports of the north of Europe.—The question then was, whether, by accepting of neutral carriage, where no other could be used, they were to carry on an important trade? or, by rejecting this means, were to shut the door on their exports, and starve their manufacturers? It was a consolation to know, that, under all the disadvantages imposed by the enemy, our own shipping had increased in value. As a proof of this, he instanced a vessel, bought three years ago for 2,700*l.* now selling at 6,000*l.*

Mr. *D. Giddy* considered it as a matter of general policy to encourage trade with our own colonies. The argument of Buonaparté's treading in the steps of Cromwell, was an additional reason for approving of the proposed measure. He had heard, however, that the timber from North America was not adequate for our national purposes, and also that the quantity could not be so great as the right hon. gent. expected, or the uses of the country required.

The *Chancellor of the Exchequer* rose to endeavour to dissipate the gloomy apprehensions expressed by the hon. gent. opposite, and those which his speech might have excited as to the commercial state of the country. There were doubtless, a great many foreign ships employed in our trade to the various ports of the north of Europe, as it was impossible to carry on trade with those places in English ships. His right hon. friend therefore was desirous of obtaining a supply of timber from our own colonies, that foreign ships might not be so much encouraged. The hon. gent. opposite must therefore think the plan he proposed most wise, as it went to counteract that evil of which he had complained. If foreign ships had been much employed trading to the north of Europe, British vessels had been employed instead of others in the trade to South America and to the Spanish and Portuguese colonies, so that if there were an increase of foreign tonnage in one quarter, there was an increase of British tonnage in another. In 1807 the tonnage of British vessels coming inward amounted to 8,590 tons; in 1809 the amount was 10,173, having increased 1,583 tons. The tonnage of foreign ships employed in 1807 amounted to 3,702. In 1809 its amount was 4,682, having increased since 1807 by 980. Thus it appeared that there was an increase of the tonnage of foreign vessels employed in our trade of 980 tons, while the increase of British tonnage amounted to 1,583 tons. From this it must appear that all the advantage was not on the side of foreign vessels, but that the increase of their tonnage arose from the general increase of trade. The tonnage of the English vessels cleared out in 1807 was 8,924 tons, in 1809 it was 9,935, that of foreign vessels cleared out in the former year was 3,630, in the latter 4,370. Hence it would be obvious that the increase of the tonnage of foreign vessels was 740 tons, while that of the English vessels cleared out amounted to 1011, so that the increase of the trade carried on in English vessels was greater in proportion than the increase of that carried on by means of foreign shipping.

Mr. *Tremayne* was apprehensive that the American timber was not fit for all the purposes to which this country would wish to apply her importations of that article, and we would therefore be at a loss for our necessary supplies, were a heavy duty, amounting to a prohibition, to be laid on that procured from the north of Europe.

Mr. *Baring* objected to the system of trade favoured by ministers, as tending to prefer the northern neutrals, which were, in reality, our enemies, to the American shipping, in the trade to Norway and the Baltic. That trade might much better be carried on under the American flag; but for this really neutral power had been substituted pretended neutrals, who might be instantly converted into enemies, and we were consequently by this course enriching a part of the world it was least our interest to enrich. This was the great error of the present system—the encouragement of the northern powers instead of America. With regard to the measure itself, he feared our colonies would neither produce a sufficient quantity of timber, nor that of sufficient quality. It would, besides, give the western part of the kingdom an advantage over the eastern, as the former would be supplied from America, and the latter from the Baltic. It would also increase the price of a necessary article, already enormously high. The object was, however, a great one, and the experiment might perhaps deserve to be tried.

Mr. *Rose* said, that government had ever been ready to encourage America, as far as she would allow them to favour her. The disposition was, and ever had been, the same.

Mr. *Parnell*, from a clause in the barrack contracts, in Ireland, enforcing the use of Memel, in opposition to American timber, took it for granted, that the latter was of a very inferior quality. He must therefore be averse to a measure which would introduce it into all our public works. He also opposed the resolution, as interfering in an unjustifiable manner with the trade of the country, which ought always to be left free.

The Resolution, and others consequent thereon, were then agreed to, and the report ordered to be received to-morrow.

[EAST INDIA FINANCE.] Mr. *Prendergast*, in pursuance of his notice, rose to move for the production of a paper which would throw much light on the state of India Finance; but more especially on the export trade of that country. The fate of his former motion should not deter him from trying the fate of another, though apprehensive of resistance from the same quarter which caused it to be rejected, on the score that the papers were too voluminous and expensive. He now wished only for a single document, which could be resisted on no other account but as exposing the executive government of India, and the rapid decay of the exports of that country, which by good management might be made so productive. He concluded by moving for the copy of a letter from the governor and council of Bengal, to the court of directors, dated August 23, 1809.

Mr. *R. Dundas* opposed the motion, on the ground that the paper was now before the East India Committee, whose report would bring it under the consideration of the House. He had opposed the hon. gent.'s former motion, not from a desire of any concealment of affairs which were perfectly well known, but on account of the immense mass of papers moved for, which could not have been produced but at very great expence. He now opposed his motion, because he considered it highly inexpedient to take a detached paper from under the consideration of the Committee, and call on the House for a decision on a part of a question, when they would soon have the whole before them.

Mr. *Creevey* wished that all the papers which were moved for had been in the hands of hon. gentlemen during the recess. The various documents had not fair play in the House; it was necessary that it should be in possession of every paper, on these grounds he voted for the motion.

Mr. *Grant* observed, that on the subject of Finance and the export trade there must necessarily be a multitude of documents. If the House was now to take them into consideration, it would just have to go over the same ground it did before.

Mr. *Prendergast* said, that it could be proved, by an examination into India affairs, that the company was in a state of bankruptcy; but if those affairs were properly attended to, the consequences would have been directly opposite. As to the documents, no possible reason could be given for their refusal

After a short conversation the House divided, when there appeared.—For the Motion—24; Against it—64; Majority —40.

[PROPERTY TAX]. General *Loft* having taken a retrospective view of the different advances made to the army, and the comparative increase which had taken place even in the wages of artizans, concluded with moving the repeal of those parts of the different acts imposing taxes upon property, which applied to officers in the army and navy, and to subalterns in the militia.

Mr. *John Smith* thought the case of the officers of the army and navy a hard one, as it appeared that they had had more pay formerly than now, though a sum would have been affluence some time ago, which would now scarcely suffice for subsistence, however frugally managed. He had heard it said, that the great motive of the soldier ought to be honour, and that it would be better that officers should be persons of some substance. He could not assent to the principle. Some of the most valuable officers in the service had been men of no fortune, who raised themselves by their merits; and honour "had no skill in surgery," it certainly "had none in cookery." It would not serve for food. He stated that colonel Grey, one of his constituents, had mentioned to him cases of peculiar hardship in the profession from the scantiness of pay, and, indeed, he had himself observed many such. He should be sorry to diminish the revenue, but he earnestly recommended it to the Chancellor of the Exchequer, whose private character he admired, to apply his mind to this subject, and to improve the condition of the officers of the army and navy, though the necessity in the navy was not so strong. He pronounced an eulogium on the character of the British army, and particularly adverted to the devotion to their country with which they encountered all the hardships of foreign climates; of the West and East Indies, &c., a circumstance which, in his opinion, had not been sufficiently attended to. He asked whether a saving to the extent of 5 or 600,000*l*, a-year might not be made by imposing the beer tax on the malt, and so levying both the tax on beer and that on malt only at the expence which was now required to collect the latter tax?

Lord *Palmerstone* admitted the merits of the officers of the army in their utmost extent; and the only ground of objection to the measure proposed, was its impracticability. The relief must come in a different way. He controverted some of the statements of the gallant general; for the pay was formerly liable to deductions, which had been laid aside, and as to the augmentation of salaries in the civil departments, it ought to be recollected that the rise was little more than a compensation for the loss of fees which had been abolished. He must oppose the motion.

Mr. *Hurst* contended strongly for the propriety of adopting some measure of relief, at a time when all the necessaries of life were so much advanced in price. He thought also, that under the present regulation, the officers in the different services did not receive the sum which they were promised upon the faith of government. The income tax reduced it 10 per cent. If this was not done away, some other means should be tried to place them in a state of comfort, and enable the government to make good its promise to them.

Sir *Charles Pole* could not allow this question to go to a vote, without explaining his reason for the support which he should give it, although he thought it did not go far enough, as the merely relieving officers from the 10 per cent. was not equal to their fair and honourable claims, he had almost said their just demands; but any and every amelioration of their present situation, was in his opinion, wise and necessary, and would have his support. He had on a former occasion stated to the House, and had endeavoured to call the attention of the right hon. the chancellor of the exchequer to the pay of the officers of the navy, and had presumed to caution him against increasing the salaries of other servants of the public, unless he was prepared to meet the subject now before the House. He then stated that there were certain classes of the navy actually receiving less now than they did in 1693.—He must now restate that it would be the greatest injustice to the army and navy, if the stipends of the clergy and law officers with every other civil department under government were augmented, and no attention paid to the sufferings and privations of those officers, that the civil departments of the navy had been most considerably encreased, he need only to refer to a few, and he would instance that of the Secretary of the Admiralty, who in 1694 had only 800*l.* and no fees, and in 1810—4,000*l.* The judge had only 400 or 600*l.* and now he believed it was upwards of 5,000*l.* He was aware that the magnitude of the sum required, was such as to cause every minister to pause before he acceded to the claim, but this very statement made it more necessary that he should not augment partially the allowances to public servants. He was sure he might without hesitation satisfy himself, that the House would not resist the petition of officers in the navy, if they can shew that they actually received less now than they did in 1693. But he must say, he did not wish to see any petition presented from them, and he was sure that the service might look with confidence to the right hon. gent. who presided at the board of admiralty; from those and from the crown did he hope that they would receive protection and support, in all and every difficulty.

Mr. *Whitbread* said, he should oppose the motion; not because he thought the statements made were no grievances, or that no provision should be made, but because the principle upon which the proposed relief was founded was a bad one. The officers of the army and navy should certainly be put in a better situation, particularly after the alteration that was made in the situation of the civil officers. He hoped the gallant general would not push the question to a division.—The motion was then withdrawn.

HOUSE OF LORDS.

Wednesday, May 23.

[COMMERCIAL LICENSES.] The Earl of *Lauderdale* again complained of the abuses which attended the granting of licenses by the privy council to merchant vessels destined for different ports of the continent, and allowed to import different articles. By means of those new regulations the whole of the trade of the country was thrown into the hands and placed at the mercy of the noble lord at the head of the board of trade. No settled rule seemed to be laid down either respecting the terms upon which licenses were granted, the time they might endure, or the nature of the articles, the importation of which they permitted. The papers laid on the table in pursuance of a motion of his, did not answer his intentions or expectation, he must therefore move for more extended communications.

Earl *Bathurst* observed, that in the granting of these licences, many irregularities might occur, which it was impossible to provide against. It was found necessary to renew some licenses which had expired before the object for which they were granted had been obtained. In other cases pretended correspondences were adduced in order to obtain licenses, which were afterwards found to be fallacious, as they referred to contracts which never had taken place. But what the noble lord complained of had occurred during the late administration, as well as under the present administration, and perhaps could not be well avoided.

Lord *Holland* would not look for a justification of such measures to the conduct of this or that administration. The question was, whether they were right or wrong. In his opinion they had all their source in the orders of council.

The Earl of *Lauderdale* made a few observations in reply, and concluded with moving for the production of a return of the licenses granted from the year 1793, and the description of the parties to whom they had been granted down to the present time.—Ordered.

[DROITS OF ADMIRALTY.] Lord *Holland* regretted he was not in the House when it was moved, that the bill for granting an annuity to his serene highness the duke of Brunswick be read the third time; for he should have thought it his duty to have moved a postponement. At the same time he trusted no objection would be taken to his moving a reconsideration of the propriety of taking this grant from the consolidated fund, if other sources should be discovered from whence it might have been more satisfactorily made. He should now move, "That an humble address be presented to his Majesty, for a return of the amount of the droits of admiralty, and the purposes to which they had been applied."—The motion was agreed to.

HOUSE OF COMMONS.

Wednesday, May 23.

[EXPULSION OF MR. HUNT.] Mr. *Calcraft* rose, in pursuance of a notice, he had given upon a former day, relative to Mr. Hunt, a member of that House, and lately treasurer of the ordnance. But before he should proceed upon the subject of his notice, he felt it necessary to acquaint the House that he had received, within these few days, a letter, dated Lisbon, the 16th of April, subscribed with the signature of Mr. Hunt, purporting to come from him, and immediately relating to the subject of the motion he meant to bring forward. It was his wish to submit this letter to the House; but as he could not himself vouch for its authenticity, he wished to submit it first to the inspection of some gentleman who was acquainted with Mr. Hunt's hand-writing. Since he came into the House, he had shewn it to a member of the board of ordnance, who declared it to be Mr. Hunt's hand-writing.

The *Speaker* suggested, that the more regular way of proceeding would be to move the reading of the order upon the journals for Mr. Hunt's attendance this day, and in case of his non-attendance then to lay the letter before the House, being first certified as the hand-writing of Mr. Hunt. This was accordingly done, Mr. Long having declared the hand-writing to be that of Mr. Hunt.

The letter was then delivered to, and read by the clerk as follows:

Lisbon, 6th May, 1810.

Sir; I have received at this place the Twelfth Report of the Commissioners of military enquiry, in which, equally to my concern as astonishment, from the imperfect materials before them, they have supposed a balance against me of 83,769*l.* 19*s.* 5*d.* a sum far beyond any amount in which I am indebted to the public, or, consistently with the course of Ordnance payments, could be indebted.—The commissioners feeling it expedient, as they express it, to make an immediate report were obliged to compile it in haste, and have, much to my prejudice, omitted many explanations I afforded them, which I conceived should have been noticed, although the allowance of them might have been subject of future consideration.—The Report, in many respects, is evidently inaccurate. The Commissioners have drawn many conclusions against me from imperfect information, and for want of time to investigate many parts of the account which they could not understand themselves, and respecting which they required general and more correct testimony.—To shew you the character of Mr. Ruddick's Evidence, he says he gave security for 10,000*l.* for the faithful discharge of his services, but who never gave me any.—It is impossible for me to go into the whole report; but I have in a single moment upon the face of the account, discovered items amounting to not less than 20,000*l.* which I know to be erroneously charged against me; and it having been surmised by the commissioners that I might have received more on the voluntary account than I have brought forward to the public credit, which remark lays me open to the suspicion of being deficient to an undefined amount, I can, in answer to this remark, distinctly state, that not a shilling upon voluntary charge came into my hands which was not accounted for, in most instances immediately and not quarterly; and in fact, regulations which I found it highly necessary to adopt in respect to this account, made it impossible I should receive a shilling of it in an indirect or clandestine manner. I lament that I have not time to afford you some explanatory observations on some other parts of the Report; I am only enabled to state to you generally that I am not indebted to the public the amount imputed to me; and whatever may be ascribed to me in respect to the incorrect manner of transacting public business, yet it will appear by the present Report, page 55, that I did not act upon a deliberate attempt or design to defraud the public, as I left in the office the sum of 7,257*l.* 9*s.* 4*d.* of which I had the absolute disposal, and two days afterwards I paid 4,000*l.* into the Bank of England on account of my supposed balance.—It occasions me deep regret, that I should have imprudently withdrawn myself at all, from the investigation of my accounts, but which I inadvertently did from the prejudice excited against me, by the exaggerated reports circulated in respect to the amount of deficiency, from the publicity given to my examination before the commissioners of Military enquiry, on which though the investigation was only pending, a thousand erroneous statements were founded, so as materially to affect my feelings. Under the present circumstances of my situation, and the state of my health, I find myself incapable of attending the honourable House, and my anxious request is to have some indulgence in point of time. I flatter myself, that consistently with your regard for the interests and opinions of the country, you may feel at liberty to wave for a period your motion for my attendance in my place; I should hope, that neither the House or yourself would regret such an attention to me, as I am actuated by the most sincere desire of affording every satisfaction in my power to the public, but to effect which purpose it is necessary I should have a reasonable extension of time for my going through the accounts; in doing which, I am sure, I could satisfactorily remove some of the prejudices inferred against me in the report, while I should be able, certainly to establish articles of discharge in my favour, not included in the present state of the account.—There is another ground on which I trust the House would favourably receive my request; which is, that the Commissioners of military enquiry have expressed an intention of entering more fully into the consideration of what was the conduct of business in the office of Treasurer of the ordnance; and I intreat, therefore, that this further information may be waited for, and that a Resolution may not pass against me upon the imperfect report at present before the House.—I have only to return you my best acknowledgments for the great delicacy you have shewn towards me consistently with your public duty; in the manner in which you have introduced the subject of my conduct before the House, which if it shall be pleased to wave my attendance for a while, may rely that I will not abuse indulgence, or disappoint expectation.—I have the honour to be, &c.

JOSEPH HUNT."

"P. S. It is my intention to return to England as soon as possible. J. H."

John Calcraft, Esq. M. P.
London.

Mr. *Calcraft* then moved, that the 12th report of military enquiry should be taken into consideration. (The report was entered as read.) He observed, that notwithstanding the statements in the letter, they did not rebut the violation of an act of parliament for the regulation of public offices. Six weeks had elapsed since he first called the attention of the House to this subject, in that time the intelligence would have reached Lisbon, and Mr. Hunt might have returned; it did not appear in fact that he was in a state of ill-health. During the Easter recess he had a conversation with a respectable relation of his, who applied for an extension of time; to this he replied he had no objection, provided the attendance of Mr. Hunt was insured before the session closed. It was of importance to the general welfare to make an example of defaulters. An act had been passed to restrict the Treasurer of the Ordnance to draw on the Bank unless for the public; that law had been carried into effect with the greatest propriety by Mr. Davison, the former Treasurer. A short time after Mr. Hunt came into office, he began to draw on the bank in the names of persons who were connected with the ordnance. In this irregular way he drew 100,000*l.* a great part of which he owes to the public. With respect to the manner in which he intended now acting, he had looked over the Journals and found that the only mode the House had of proceeding when members were guilty (not immediately of the present crime but of perjury and other flagrant misdemeanors) was by expulsion. Since Mr. Hunt had left the country, he should move for his expulsion; if he had remained, he should rather have proceeded by indictment, and then have acted accordingly. He did not believe there were two opinions on the subject. He was sorry to say, that many similar occurrences had not been taken notice of by the House. He should mention that of general de Lancey, who was indebted to the public 100,000*l.* and yet possessed the rank and pay of a general in the service. By such things the public feelings were insulted. It was rather remarkable, that acts were passed for the very prevention of such conduct immediately previous to its taking place. If they were not now enforced, the vigilance of public offices would be lulled asleep. In the Board of Ordnance, there must have been some supineness in not taking notice of what was going on in its neighbourhood. He concluded by moving the following resolution, "That Joseph Hunt, esq. late treasurer of the ordnance, had been guilty of a violation of the act of the 46th of his Majesty, for regulating the office of treasurer of the ordnance, and of embezzling or misapplying certain sums of public money whilst he held that office." Also, a Resolution, "That for the said offences Joseph Hunt, esq. be expelled this House."—Both which motions were agreed to, *nem. con.*; the word "embezzling" having been first left out of the former resolution at the suggestion of the chancellor of the exchequer.

[SECOND REPORT ON PROCEEDINGS RESPECTING SIR F. BURDETT'S NOTICES.] Mr. *D. Giddy* having moved for leave to bring up this Report,

Sir *T. Turton* opposed it, stating it to be his wish to rescue the House out of hands to which it had most improperly and unadvisedly entrusted its privileges, hands in which he had thought them most unwisely and unhappily placed from the beginning to the end. The matter had originated in the committal of Mr. Gale Jones, and when the motion to mitigate the punishment against that individual came to be considered, he was punished for the fault of his advocate. He disapproved of the committal of the hon. bart., but after the determination of the House, he could entertain no doubt as to its power of carrying the sentence into effect. He defied any man to find an objection to this right of committal. The House had now, however, come to the question as to the right of supporting it. What, he could wish to know, was the committee appointed for, but to report on the state of the proceedings? Instead, however, of shewing themselves equal to this purpose, the House had seen its privileges intrusted to a Junta more imbecile than the Junta of Spain. What should have been their conduct? They should have reported that it was proper to call before the House the solicitor who had issued the process. Did our ancestors feel any difficulty on this head? They never did. And as to the rights of the Serjeant, acting, as he must be supposed to do, under the authority of the House, he was equally protected by their privileges as even the Speaker could be supposed to be. Hon. gentlemen might ask, was not the House right in pleading? He would answer that he thought they were not justified in doing so. The *lex parliamenti* was the *prima lex*, and yet the report recommended that it should be supported, first by analogies from the law, and then by the opinions of Judges. He entreated of the House not to admit any new edition of the law of parliament to go abroad, which should have the effect of degrading them, either in their own estimation or in that of the country. He was persuaded, they would accomplish this object far more effectually by dispensing with the labours of the present committee.

Mr. *C. W. Wynn* agreed with many of the observations of the hon. bart., and regretted that he had not opposed the proceedings earlier. He was particularly sorry, that the Attorney-General should have been instructed to support the privileges of the House. That gentleman must, at all times, be ready to be called to the House of Lords; and, if it were only for the sake of form, he regretted, that another person had not been appointed to support the privileges of the House.

The *Chancellor of the Exchequer* said, the arguments now used, would have applied better, if used at the time the House was about to resolve on the appointment of the committee, and at that time when the learned argument of a right hon. gent. not now present (Mr. Ponsonby), went so forcibly to recommend the pleading to the action. He must also regret, that the hon. and learned gentlemen who now disapproved of the report, had not lent their assistance to the committee. The only question, however, as he conceived it, now was, if the report should be brought up; and then the question would arise, whether it would be prudent or proper, consistently with the privileges of the House, that the report should be adopted. He begged, also, to ask, was there any thing new in directing the attorney-general to prosecute in the case of a breach of privilege? If the breach of privilege was not meditated and committed by the crown, why not instruct the attorney-general? This was one main distinction. When the privilege was to be asserted against the crown, the attorney general was not to be employed; when against any other person, then the attorney general was to be employed. The court before whom the case was brought must know, from the plea, who the party was, namely, the Speaker of the House of Commons, and if the plea was to be denied, the allegation must be tried as any other allegation would be—but when once tried, the decision must be, that, being a question in which the House of Commons was concerned, it could not be judged of in any other jurisdiction whatever.

Mr. *C. W. Wynn* explained, that the attorney-general was directed to prosecute or defend, not as in a breach of privilege, but on occasion of a breach of the king's peace.

Mr. *Adam* begged it to be understood, that after the learned and right hon. member for Tavistock had, on a former night, with such power delivered his opinion on the privileges of the House, he had endeavoured to instil into the House that they should come to some resolutions declaratory of the act of serving the notices being a breach of their privileges; and that they would accordingly call the attorney who had served the process, before them, and proceed according to their established usage in such case. If this had been done, the fact would have appeared on the journals of the House. If it had been done, it would have been an important point. As matters now, however, stood, it was admitted, as his hon. friend had said, that nothing appeared on the journals. At one step or other of the proceedings, however, this must not be the case. He did not say it could be done now, at bringing up the report; but, he did contend, that, at some farther stage of the business, such an entry must be made that the House might not fall into another and a more fatal error. But though it was his opinion that the matter should never have gone to a committee, he now thought that the report of that committee should be brought up, and that it should lie on the table, with the view to its accurate perusal. When it was on the table, it would become the business of the House to scan every syllable of it, and not to let a word pass which was not agreeable to the privileges of the House. It was the duty of the House to watch their privileges. These were peculiar times, in which it was necessary to guard them, and to let it be known that they were all marked. It was the duty of the House to see they did not receive a report which did not sufficiently recognize those privileges.

Mr. *Horner* wished to yield to the arguments of his hon. and learned friend, on the propriety of receiving the report. He wished, however, to know, if the report were thus to be received, whether it must not, in the shape in which it now stood, appear on the Journals of the House?

The *Speaker* finding that his opinion on this question was expected, agreed that this would surely be the effect of bringing up the report, and ordering it to lie on the table.

The Report was then brought up.

Mr. *D. Giddy*, as chairman of the committee, felt it necessary to say a few words, and he must confess, that he thought the House was placed in a very unfortunate situation; it had great privileges, but, owing to some defect in the constitution, it did not seem to possess the power of enforcing them; unfortunately, no clear recognition of such power had taken place. No particular proceeding was recommended to the House in the report of the Committee, because it appeared to them that the practical and proper mode had already been adopted. There was a further measure to be taken he allowed, but he doubted much the expediency of having recourse to it. He reprobated the opinions and purposes of the contemptible faction out of doors, but was fearful that if the House proceeded to commit one solicitor after another, it might at last force itself into a contention with the judges themselves; besides, it was considered the peculiar boast of this country, that every individual could be defended against any charge made against him. He was of opinion that the judgment, whatever it might be, would now go out with greater weight to the public, after the course that had been adopted. If the House waved the exercise of the privilege in the present instance, it could not be construed into a relinquishment of the privilege he contended for, but he denied the expediency of calling it into action upon the present occasion. In the same manner he felt that the House might have proceeded to commit or to expel sir F. Burdett, in the first instance, though he had voted against his commitment on the ground of expediency. He hoped that the deficiency of which he complained, in the constitution, would soon be corrected. There was a case, not provided against in the Roman law, because it was presumed that no one would be atrocious enough to perpetrate it; and, perhaps, the present deficiency was to be accounted for upon the same principle. This, however, he wished to qualify, not meaning to confound the degree of crime in both cases. He hoped the House would, in common courtesy, allow the report to be laid on the table, and printed; after which, it might dispose of it as it thought proper.

Mr. *Adam* was of opinion that the debate should be adjourned to Monday next, in order that the House should have time to consider the report maturely. There was one principle however which he was desirous of entering his protest against: he could not agree with his hon. friend that the House was not provided with the fullest power to enforce its privileges. The power of commitment was theirs, and was as ancient as their privileges; it was fully established and recognized, and should be exercised upon such occasions. He concluded with moving, that the debate be adjourned to Monday.

Mr. *C. W. Wynn* apologized for his not attending the committee of privileges, as he objected to it entirely; and it was not the practice of members to attend committees, to the principle of which they objected.

Mr. *Hurst* saw no sound obstacle to the reception of the report, which, granting it were laid on the table, would not preclude the House from further discussion if that should be necessary. Their committee had most ably discharged their duty, and their report was entitled to consideration. Legislative authority might, he was sure, settle all the matters in dispute; while, if the House possessed such omnipotent privileges as were contended for, it was highly proper that their privileges should now be ascertained and declared.

Mr. *H. Smith* expressed his concern at hearing that any legislative measure was likely to pass on the subject. He contended strongly for the uncontroulable nature of their privileges: which such an act could only have the effect of weakening. He hoped that those gentlemen who had such a measure in contemplation, would consider all the consequences it was likely to produce, before they resolved upon its introduction.

Mr. Secretary *Ryder* thought that both gentlemen had mistaken his hon. friend, whom he understood only to have stated that some declaratory measure would be adopted, not to create but to proclaim the powers and privileges now called in question. He did not approve of the adjournment; the report might lie on the table without any supposition of a pledge on their parts to support or approve of it.

Mr. *D. Giddy* said, that all he intended to have stated, with respect to a legislative act, was, that some mode should be devised, in order to stop proceedings of the courts of law upon questions of privilege, *in limine.*

Mr. *Whitbread* thought that such a measure would be very dangerous. The fact was, that the House formerly did possess the privilege of inhibition. They could and used frequently to stop a suit at law by a letter from the Speaker to the judges of the court in which the action was entered. This was, however, afterwards curtailed by positive statutes, made in the 12th and 13th of William 3, as also by some statutes in the reigns of queen Anne and George 1. Upon this question of privilege there seemed to be a great deal of intolerance on both sides. All those who were contending for high privileges, talked of nothing less than committing attornies, counsellors, and even going as far as was formerly done, of committing judges themselves for entertaining a suit in which the privileges of the House were concerned. On the other hand, those who were irritated by the late exercise of privilege, set down every one as a most tyrannical person who ventured to say a word in support of them. Now upon a question which was to be determined on arguments drawn from so many precedents, it was not surprising that every man should not have his mind completely made up. For his part, he looked for information with equal pleasure to his learned friend (sir S. Romilly) as to his other learned friend (Mr. Adam). He had read the very clear and lucid Argument published by another hon. friend (Mr. Wynn), which, as he believed, contained all the learning of the case. In that Argument it was stated, that in the year 1660, a person of the name of Thompson had been ordered to attend the House, and positively refused to do it and shut his doors. The House consequently ordered that his doors should be broken down. It was a little unfortunate, however, for this precedent, that, like all the others of the same nature, we were left short, and were not told whether the doors were broken down. It appeared that in different instances of a similar nature, the House was prorogued or dissolved before the question was fairly brought to issue, and those prorogations seemed to have been contrived for the purpose of extricating the House from a difficulty. He thought the committee appeared to labour too much to answer the arguments of anonymous publications.

The *Attorney General* thought the House had acted rightly in referring to the Committee the points they did, and that the Committee had very properly entered fully into the consideration of these points in the Report they had given, which he believed would be equally satisfactory to the House and the country at large.

Mr. *Lockhart* said, that it was most evident there were cases when the House must resort to a court of law. For example, if one of their officers had been murdered when in the execution of his duty, it was most clear that they had no privileges by which the crime of murder could be adequately punished; and therefore, in that case they must appeal to a court of law. He did not conceive that it was derogatory to their dignity to plead to an action in a court of law, as it was only shewing to the court the authority under which the committal was made.

Mr. *Elliot* thought that the House ought to have committed the persons concerned in the process; and that they might have an opportunity of considering the report maturely, supported the adjournment.

The question for laying the report upon the table was then carried without a division.

Mr. *Horner* then rose to move the recommittal of the report, with a view afterwards to move resolutions declaratory of the existence of the privilege to the utmost extent to which it had been claimed. The more he considered the objections which he had on a former occasion stated to the report, the stronger they appeared to his mind. He objected to the reference to the authority of courts of law, and to the admission of the existence of the privilege on the part of the House of Peers. He objected to the argument founded upon the analogous proceedings of courts of law. The authority of the common law courts to proceed by summary attachment, was founded on immemorial usage; that of parliament could not rest on any such foundation. He thought these matters extraneous, and calculated only to throw a doubt upon the existence of the privilege, which doubt might have the most pernicious effect at a future period, if the time should ever arrive when the crown might find it convenient to join a popular clamour against the House of Commons. All this irrelevant matter he thought ought to be struck out. He concluded by moving, That the report be recommitted.

Mr. *Wilberforce*, after stating, that from his parliamentary experience, he was convinced that there was on both sides of the House a sincere disposition to promote the public good, argued against the motion of the last speaker on these grounds, that the references to which the hon. gent. had alluded, were not stated as the foundation of the privilege, but to shew the people of this country that the wisest and best authorities admitted that the House had the privilege which was questioned; that in this free constitution it was not alone sufficient to convince persons of great learning and deep research; but that it was important also to satisfy many respectable people who might be led to countenance, in effect, a most mischievous attack on the privileges of the House. The object of the Committee therefore, had been, to compile the report in plain and popular language, and to shew that the proceedings of the House was conformable to those in the common law courts, which constituted the glory of the country. He did not think this would have any tendency to bring the privilege into doubt.

Mr. *Brougham* said, that though he carried his ideas of the necessity of the privileges as far as his hon. friends, and would always oppose any declaratory proceeding as tending not to remove, but to raise doubts, yet, he asked his hon. friends whether they did not believe that there were a great number of most repectable people, who at present doubted the existence of the necessity of the privilege; persons who were entitled to consideration, and whom it was the truest wisdom to conciliate. He thought that the House ought to go all reasonable lengths to satisfy the people, that they would never unnecessarily and wantonly exercise privileges that might be misconstrued. The House could never suffer in the estimation of the country, but through its own acts; and they could only bring themselves into contempt by waging a war, in which even success would be ruin; for what would their boasted privileges avail if they forfeited the confidence of the people. He earnestly intreated the House, therefore, to consider the duty which they owed to their constituents; the duty of moderation, and to make allowance for the ferment which existed in the public mind.

Mr. *C. W. Wynn* said, that the amendment was not intended to reject the report, but that it should be recommitted, as the report was not correct. He thought it below them to enter into controversy with the speakers of the common council, or those of the Crown and Anchor. He would support the amendment.

After some farther conversation the Report was ordered to be laid on the table, and to be printed.

HOUSE OF COMMONS.

Thursday, May 24.

[KING'S MESSAGE RESPECTING A VOTE OF CREDIT.] The Chancellor of the Exchequer presented the following Message from his Majesty.

"G. *R.* His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering that it may be of very great importance to provide for such emergencies as may arise, trusts that this House will enable him to take such measures as may be necessary to disappoint or defeat any enterprizes or designs of his enemies, and as the exigencies of affairs may require. G. *R.*"

The said Message was referred to the committee of supply.

[SIR GEORGE SHEE.] Sir *John Newport*, pursuant to his notice, brought forward his motion relative to the compensation given to sir George Shee, to whom the place of receiver-general of taxes in Ireland had been granted in reversion in the year 1802, sir Henry Cavendish being at that time in possession of the office. The right hon. baronet entered into a variety of details to shew the compensation was higher than necessary, and concluded by moving —"That it was the opinion of that House, that the grant of compensation to the receiver-general in Ireland was in itself reprehensible, and a dereliction of duty in the Irish government."

Mr. *W. Pole* spoke at length in justification of the Irish government, respecting the transaction alluded to, and contended that the compensation was not more than sir G. Shee was justly entitled to. He also vindicated the share his brother lord Wellington had in the transaction, from the charges made by the right hon. bart.

Mr. *Cavendish Bradshaw* explained the manner in which the balances of sir Henry Cavendish had been discharged.

Mr. *W. Pole* felt it due, in justice to sir Henry Cavendish, to state, that his balances had been paid off with the greatest punctuality.

Mr. Foster and Mr. Croker bore equal testimony to the celerity with which the balances of sir Henry Cavendish had been paid in.

Mr. *W. Smith* thought it a monstrous position to maintain, that any one had a legal right to use the public money for their private gain.

Mr. *Bankes* quoted an observation of lord Kenyon to the same effect. He really thought that in that House there was generally too great a solicitude for the interest of individuals, and too great a disregard for the interest of the public. He thought that it was too much the custom of government on both sides of the water to consider offices more as things created for the benefit of the individual who held them, than for the good of the public. He thought no man had a right to claim compensation merely for abstaining from abuses.

The *Chancellor of the Exchequer* thought the hon. gent. had spoken too harshly of persons who followed the custom of their predecessors in office. If any great severity or rigour was to be used with respect to receivers of public money, they should at least have fair notice of it, and their characters ought not to be branded for acting in a manner that they conceived legal, and according to the custom of their predecessors in office. He attacked with great warmth the opinion delivered by the hon. gent., that government considered offices more with respect to the individual who was to get them, than the interest of the country. He thought this the severest attack he had ever heard in that House against men in office, and it came with peculiar severity from an authority so respectable as the hon. gent. For his part, he disclaimed any such idea of offices, and would confess himself unworthy of continuing a moment in office, if he did entertain such an idea.

Mr. *Bankes,* in explanation, said, that he spoke of government in general, and did not mean either to allude to the right hon. gent., nor to the chief governor of Ireland, the duke of Richmond, whom he most highly respected.

Mr. *H. Thornton* thought, that by the strict law no compensation was due.

Mr. *Foster* said, that when he came into office, it was a few days before the death of sir H. Cavendish, and he found there was a balance of no less than 330,000*l.* in his hands. This balance he, of course, felt it his duty immediately to call for. Sir George Shee, who was afterwards appointed to the place, was no political friend of his, and he could have no reason to propose the compensation except a sense of duty. The fact was, that independent of the use of public money, there was, by old custom, a per centage given to the receiver-general for the sums he received from the collectors. It was for this per centage, that he advised the compensation, which was 1,300*l.* a year; whereas the per centage produced double.

A long conversation then took place, in which Mr. G. Johnstone, Mr. W. Fitzgerald, the Solicitor-general, Mr. Marryatt, Mr. Long, and Mr. Wilberforce, took a share.

Sir *John Newport,* in his reply, utterly denied that there was any old custom even about the per centage. As the place had been abolished in 1792 by statute, on its revival it must be considered as a new office.

The House then divided—For the motion 48; Against it 99; Majority 51.

[STAMP DUTIES BILL.] On the order of the day for receiving the report of this Bill,

Mr. *Tierney* rose to object to the motion. He knew he was taking an unpopular side of the question. It was said the opposition were disappointed at finding the Chancellor of the Exchequer proposed laying on no new taxes, and were disposed to harrass ministers, on that account. For himself, he could say that he did not oppose the Chancellor of the Exchequer because he laid on no new taxes, but because to avoid it he resorted to a new system—a system never heard of before without giving good and sufficient reasons for so doing. The project of the Chancellor of the Exchequer was that 980,000*l.* for the service of this year should be charged on the consolidated fund. The grounds on which he had defended this plan were, that having in 1808 laid on taxes which produced upwards of 1,200,000*l.* instead of 106,000*l.* which they were expected to produce, he thought he had a right to apply the surplus to the service of this year. The right hon. gent., it was true, had called the attention of the House to the subject in a particular manner, and desired them to examine and criticise it as it might deserve. This was what he wished to do. Whatever trenched upon the consolidated fund was at war with the principle of raising as large a sum as possible within the present year. That principle had been approved of by Mr. Pitt, Mr. Addington, and lord Henry Petty, and it remained for the present Chancellor of the Exchequer to break in upon it. The consequences of such an innovation might be of a serious nature. So averse was Mr. Addington to impoverishing the consolidated fund, that in 1802, rather than do it he laid on new taxes; and the late administration, rather than trench on that fund, had incurred the unpopularity of raising the property tax from six and a fourth to ten per cent. The consolidated fund was established by Mr. Pitt in 1786, and it did him great credit. In all his difficulties, and they were very great, he never laid violent hands on the consolidated fund, but resorted to any expedient to preserve that inviolate. He (Mr. T.) did not know whether the surplus of the consolidated fund amounted to four, five, or six millions; but the surplus should every year bear some proportion to the taxation. If, in 1792, the surplus amounted to two millions and a half, it was not extravagant now to expect it would be five millions. Of this however he had no very sanguine expectations. He begged the House always to bear in mind, that the produce of the taxes which now swelled the consolidated fund would not be so great in times of peace. He thought it his duty therefore to implore the House to consider what they did, before they by any act diminished the consolidated fund. He would take a view of the last five years to see how it stood. In 1805 and 6 there were real and efficient taxes laid on. In 1807, 8, and 9, there were hardly any. The charges on the consolidated fund in those five years amounted to 5,732,000*l.* The produce of the taxes to meet those charges was 6,437,500*l.* leaving a surplus of no more than 706,000*l.* But it might be said why did he select those five years? He was willing to take from the beginning of the war, but from a paper before the House it appeared there was a deficiency of 314,000*l.* in the years 1805 and 6. To make good that deficiency they were obliged to go to the surplus of 1808, so that taking 980,000*l.* from the consolidated fund, as proposed by the Chancellor of the Exchequer, it would be found that there was but a surplus of 706,000*l.* to meet this new charge. From the establishment of the fund in 1786, there never before was so low an excess of taxes carried to the fund in five years. If he were to take the state of the consolidated fund from 1802, the surplus would be 1,287,000*l.* From this, deducting 970,000*l.* as proposed by the Chancellor of the Exchequer, the total of the remaining surplus would be 317,000*l.* To such a proposition he thought no rational man could agree, as it was evident the consolidated fund could not bear the charge. Every loan bill had a clause charging the payment of the loan on the consolidated fund, thus giving security to the lenders on that fund. The project of the Chancellor of the Exchequer, he contended, went to evade the 26th of his present majesty, and place the sinking fund in jeopardy. A variety of other evils would arise from entertaining the project of the Chancellor of the Exchequer. If the whole surplus arose from taxes laid on by the Chancellor of the Exchequer, he would not admit that he had a right so to draw on the consolidated fund, though, in that case, he would have a show of reason on his side, which, in the present instance, was wanting. As a man, he would refer the subject to the Chancellor of the Exchequer himself; and if he did not come down (as a member of parliament,) and say the Chancellor of the Exchequer ought rather to lay on taxes to the amount of 750,000*l.* he (Mr. T.) was as much mistaken as ever he was in his life. He did not wish that new taxes should be laid on, he wished some other means of meeting the exigencies of the case might be devised; should some other plan be proposed, though it might not meet with his entire approbation, he promised the right hon. gent., that he would not harrass him with useless opposition. He then went on to censure the proposed plan, which he condemned in terms of strong reprobation. He was not placed in a pleasant situation, when he differed with the Chancellor of the Exchequer in not imposing new taxes. The right hon. gent. had done nothing; he had completely lived on the last administration: and for the purpose of delusion he was evading a taxation, which must come again upon the people with aggravated pressure. The whole of his taxes laid on in 1808 produced only 320,000*l.* it was not unreasonable to ask what he had done in the space of almost four years. He had been most fortunate, but at the same time was fatally extravagant. Before the bill was adopted, he implored the House to consider maturely every circumstance and every objection he had urged.

Mr. *Rose* observed, that the right hon. gent. had totally misconceived the statements of his right hon. friend. The sum of 1,200,000*l.* partly arose from the new and partly from the old taxes. There was besides an augmentation on duties of 20,000*l.* No one met deficiencies with more firmness and resolution than Mr. Addington did, particularly in 1802, when he imposed new taxes. It was the duty of ministers to prepare for the worst. If they were to take the war taxes, he asked, could it not be learned, by a simple computation, how short a way they would go? Retrenchment should certainly be made, but then it ought to be consistent with the safety of the country. The right hon. gent. said that the minister had broken the system established by Mr. Pitt. On the contrary, he was convinced that he would have acted in the same way, which assertion was corroborated by the last conversation he had with him, which was on that subject. He denied that his right hon. friend was evading the spirit or letter of the act under which the consolidated fund was established, by the measures in discussion. Having drawn up that act himself, he could speak to it with more certainty—he could say that his only object, and that of his deceased friend (Mr. Pitt) was to provide, that that fund should be sufficient to answer the charges upon it. But those charges being provided for, there was no intention whatever to prevent parliament from applying the surplus in any manner that might be deemed expedient to meet the exigencies of the public service. In that way the proposition before the House went to appropriate the surplus of a tax which exceeded its original estimate; and if his right hon. friend had not so applied that excess, instead of imposing any new taxes, he should have thought his conduct deserving of censure.

Mr. *Tierney* in explanation, stated, that he did not say that he approved of taking the war taxes.

Mr. *Huskisson* agreed in the arguments of the right hon. gent. He was convinced that the salvation of the country depended on the retrenchment of establishments, and on making exertions to bring the loan of the year within the sinking fund. The hon. gent. then entered into a detail of financial difficulties, from the year 1797 to 1810. He wished to see the amount of the loan, and the sinking fund equalized; the proportion the surplus of the consolidated fund bore to the whole ought also to be looked into. He hoped the House would allow that there was a material difference between improvement and taxation.

The *Chancellor of the Exchequer* declared he never rose with more confidence to justify the conduct of any measure than he did on the present occasion; and indeed he felt in his mind the strongest conviction that if his illustrious and lamented friend was now to stand in the place he so unworthily filled, he would have availed himself of the expedient he had resorted to. When the right hon. gent. said that he had varied from the principles of Mr. Addington, that he had violated the sinking fund, he was totally unfounded in such assertions. He would assure the right hon. gent. that when he stated that he had acted contrary to the practices of Mr. Addington and Mr. Pitt, he did not recollect that he was in a situation in which they never were, and this he would confidently maintain. Before he proceeded, he wished to make a few observations on what had fallen from the right hon. gent. opposite (Mr. Tierney) and his hon. friend who had just sat down. So far from thinking the right hon. gent. hostile to his measures, he did not blame him for accepting the challenge he had thrown out. The situation of the country had been adverted to, he was certain it was not the intention of his hon. friend (Mr. Huskisson) to create a gloom in the mind of the House or of the country; he was confident it was not his view, but unfortunately his assertions had that tendency, and had produced in the public mind the idea that from the state of our finances we were not able to carry on the war; however, it must be obvious, even from the enumeration of various difficulties and the means pointed out for meeting them, that such a circumstance was impossible. It had been stated, that the excise duty was oppressive to manufacture, but this was falsified by the state of trade, which, on the contrary, exhibited a great increase and progress; nothing therefore in the actual state of the country could justify this observation. The right hon. gent. opposite seemed to have assumed as a principle that it ought to be principally the object of ministers to look to the increase of the consolidated fund. In this he was not right. He begged the House to attend to the progress of the funds which he would now bring before them, and he trusted and anticipated that from that the difference between his situation and that of Mr. Addington, and Mr. Pitt, would appear manifest. In the year 1792, the 3 per cents, were 96 and a fraction; in the next year, 1793, they came down to $77\frac{5}{8}$; shortly after the war broke out they then were 75, and at the end of the year were 74. The ensuing year they were $73\frac{5}{8}$: in 1795 they fell so low as 65; they rose for a short time, but in the year 1797 they were 55, and in 1798, $45\frac{3}{4}$. When Mr. Pitt found this to be the state of the funds he was obliged to borrow at the rate of 10 per cent. Even with this he found it impossible to proceed as his means were so reduced. The year 1797 was the first of the progress of the Income tax; from that time the price of stocks increased; and in the year 1801 they were at $62\frac{3}{4}$. Having raised the income tax, Mr. Pitt charged on it the loan of the year. When Mr. Addington succeeded, he carried the amount of debt charged upon the income tax to fifty-seven millions. The manner in which he acted with respect to the war taxes was but following the example and the practice of Mr. Pitt. Mr. Addington in 1802 boldly met the great debt of 57 millions; he laid on new taxes, and in 1803 the 3 per cents were at 73 and a fraction. The present war followed; in 1804 the 3 per cents. had fallen to 56; would then Mr. Addington have done wisely if he had not adopted the principles of Mr. Pitt, in 1804, 5, the stocks were at 59, in 1806 at 60, in 1807 60 and a fraction, and that was the state in which they were found when the present administration commenced. In the course of three years they have increased to 70¾; yesterday he believed they were 72; yet was he supposed to act on a contrary principle to Mr. Pitt. This statement must however shew distinctly the difference of their situation. To the manner in which lord Sidmouth met his difficulties he bore the highest testimony. But it had likewise been said that he had departed from the line of conduct which was pursued by the noble lord who preceded him; this proposition however was different from the resolution of the noble lord, which had been entered on the journals. If the right hon. gent. opposite thought that the consolidated fund was to be nourished in time of war, he must have been absent from the House when that resolution was passed. On the contrary, that resolution went to the establishment of a principle of making the surplus of the consolidated fund reasonably available for the service of future years. Such at least was the principle of the resolution of the noble lord in 1807, which was, that there should be laid before the House the net amount of the produce of the taxes of the three preceding years, and then an average of the surplus of the consolidated fund for the three ensuing; and if an increase was found that it should be applicable to the burden of the new loan. Did the right hon. gent. maintain that the noble lord did not wish the surplus of the consolidated fund to be touched, when in his resolution he approved of doing so?—(Hear! hear!) He was anxious till he heard how such extremes could be reconciled; and he was persuaded that parliament would not refuse its sanction to a measure, which, while it violated no principle, provided for the public exigency without any increase of taxation upon the people.

Mr. *Huskisson* explained, and defended himself against the charge of having said any thing which should discourage or depress the country.

Mr. *Tierney* then spoke in reply. He maintained that the chancellor of the exchequer had not driven him from a single point with which he set out. He repeated all his former arguments, and impressed strongly upon the House the importance of the question, and represented the dangerous consequences of the new system. The right hon. gent. should have followed the course that had been uniformly pursued, or, at least, should have been prepared with better reasons to justify his departure from it, than he had been able to produce that night.

After a few words from Mr. *Bathurst* in support of the bill, the House divided, when there appeared, Ayes 117; Noes 53; Majority, 64.

HOUSE OF COMMONS.

Friday, May 25.

[PETITION FROM THE LIVERY OF LONDON, FOR THE RELEASE OF SIR F. BURDETT, &c.] Mr. Alderman *Combe* presented an humble Address, Petition, and Remonstrance of the Lord Mayor, Aldermen, and Livery of London in Common Hall assembled, the 21st day of May 1810; setting forth:

"That the Lord Mayor, Aldermen, and Livery of the city of London, in Common Hall assembled, have witnessed, with grief and surprise, the rejection by the House of their late Address, Petition, and Remonstrance; and they beg leave humbly to declare, that in the statement it set forth of their complaints and grievances, it was their anxious wish to preserve every possible respect consistent with the honest, and, as the Petitioners then trusted, the constitutional expression of their sentiments: discouraging as such rejection may be supposed, the Petitioners cannot forego the indisputable right they possess, nor abandon the duties they owe to themselves and their country, of once more intreating the attention of the House to the heavy calamities which afflict them; the Petitioners have beheld, with indescribable concern, the extraordinary power assumed and exercised by the House, in the arrest and imprisonment of Mr. John Gale Jones and Sir Francis Burdett, a power which, in their humble conception, appears inconsistent with the free principles of the English constitution; and that, when the Petitioners contemplate this power, exemplified as it has been in the afflicting instances they have mentioned; when they consider the numerous wrongs of which they have so long complained, and which still remain unredressed; when they observe the enormous frauds, abuses, corruption, and peculation, which have so long and notoriously existed; when they mark the excessive point to which taxation has been strained; when they review the series of military enterprizes, which, after immense sacrifices of blood, honour, and treasure, have led only to disgrace and disaster; when they have seen the authors of our public calamities not only escape with impunity, but retain their official situations, they are convinced that all these deplorable evils are produced by causes constant and irresistible in their effect, and that the root of all their complaints and grievances is to be found in the defective state of the Representation of the people in the House; and the Petitioners cannot but recollect, that, in the course of the last session of parliament, events took place in the House, such as they may venture to say never before occurred in the history of parliament; offences were said to have been committed, against the House of Commons, which, from the earliest period of our parliamentary annals, by common consent, by positive laws, by uniform and consistent usage, have at all times been proclaimed the highest offences that can be committed against the dignity of the House of Commons; it was admitted by lord Castlereagh, upon a charge exhibited against him to that effect, that, being an official minister of the crown, he had attempted to employ his ministerial patronage in procuring a seat in the House; it was tendered in proof to the House, that the right hon. Spencer Perceval, another minister of state, had, in conjunction with lord Castlereagh, through the secretary to the treasury, Mr. Henry Wellesley, another member of the House, actually sold another seat in the House; yet, in both these cases of admitted enormity against the justice and dignity of the House, the House did not appear to the petitioners to adopt any measure of punishment; they therefore humbly submit, that it is to them matter of the most alarming reflection, when they observe the House so indulgent when they are insulted by the corrupt servants of the crown, and so austere when they think themselves offended by the advocates for the just rights and liberties of the people; and the petitioners further feel it their duty to state openly and frankly to the House, that, upon the matters above referred to, as well as upon various decisions of the House respecting great and vital questions to the state, it is their firm conviction that the people of this land, and their representatives, are of opinions directly opposite; and that, without referring to other facts and circumstances universally known and admitted, as to the inadequate state of the representation, and the modes of obtaining seats in the House, the Petitioners feel themselves called upon humbly to observe that, when they view these flagrant breaches of the constitution; when they perceive the power of the House directed against those individuals who have presumed to discuss the propriety of their proceedings, whilst no vote of expulsion, committal, or even of censure, has been passed upon the conduct of lord Castlereagh and Mr. Spencer Perceval: when they deplore the painful results of recent inquiries, the numerous failures and disappointments in which the grossest and most culpable mismanagement has been apparent to the whole nation, and recall to their minds, that the House of Commons ought to be the guardians of their lives, liberty, and property, the redressers of their wrongs, and the controulers of ministers, it plainly appearing at the same time, that no want of confidence has been manifested, no symptom of distrust evinced, no effectual inquiry instituted, but that on the contrary, a disposition has been signalized to stifle or evade every attempt to promote investigation, and to correct abuses, they cannot but exclaim, in the language of Mr. Burke, this is an unnatural and monstrous state of things; and the Petitioners consequently call upon the House for an immediate and radical reform; if it be said that reform would lead to violence and confusion, the Petitioners reply, that such insinuations are infamous and wicked libels upon the people and the blessings and benefits which the British constitution only can impart; they would ask, can the people endure such wrongs, and can they not endure to have them redressed? if it be said that corrupt influence is necessary to the government, they answer, that it would be the worst of libels upon the constitution; and if true, Englishmen ought to cease to venerate that constitution which requires corruption for its support; if it be said that reform would not relieve us from oppressive taxation, they reply, that it has been for want of free and vigilant parliaments that all these enormous abuses and heavy burthens have arisen; that, under the present corrupt system, they must increase; and that, were the people fairly and honestly represented, they would, instead of augmenting, be gradually diminished; to such objections the Petitioners might reply, in the words of the memorable protest, signed by thirty-two peers, if the objection means to insinuate that corruption is necessary to government, we shall leave that principle to refute itself by its apparent iniquity; and the Petitioners therefore pray the House to take all these matters into their most serious consideration; and earnestly implore the House immediately to revoke all their late proceedings respecting Mr. John Gale Jones and sir Francis Burdett; and convinced that all the disorders of the state, the distraction and imbecility of our public councils, the abuses which have undermined the British constitution, crippled our national exertions, and now threaten the security of our venerable and beloved Sovereign's crown and dominions, have arisen from the causes the Petitioners have described, they beseech the House to apply the only remedy for these alarming evils, by a speedy and effectual reform of the representation of the people in parliament."—Ordered to lie upon the table.

[SUITORS IN CHANCERY.] Mr. *M. A. Taylor* rose in pursuance of his notice, to call the attention of the House to a question of no less importance than whether or not the subject should obtain in a court of justice redress for the wrong he suffered, or maintenance in the right he possessed. It was for the House to consider, if, in the increased state of the commerce of the country and of its attendant opulence, the assistance which the subject received in the court of chancery to redress that wrong, or to maintain that right, ought not to be greater than that which he received 200 years ago. If it should appear that, notwithstanding every exertion made by the noble and learned lord who presided in that court, by the subordinate judges, and by the masters in chancery, the pressure of business was such that human strength was inadequate to its discharge, it would become the House to devise a remedy for the evil. Nothing could be farther from his view than to state any thing invidiously with respect to his noble and learned friend who held the great seal. No man could be more attentive to the discharge of his duties. He had stamped more bills in the court of chancery and in the House of Lords than any of his predecessors. To his noble and learned friend, therefore, it was by no means his intention to impute the slightest blame. Nor did he wish for useless innovation. The nature of the precise remedy it would be for the wisdom of the House to determine. All that he had to state was, that if they looked at the condition of the numerous suitors who had been many years necessarily waiting for the decision of the court of chancery, little argument would be necessary to show that some remedy ought to be applied. It was impossible, without giving to the advocates of parliamentary reform a more tenable ground than they had hitherto occupied, to allow that the House of Commons, properly constituted, and sitting for the benefit of the people, could permit such an evil to grow without some attempt to check or to correct it. Magna Charta declared that justice should be administered to the people "freely," "fully," and "speedily." What, however, was the state of the present business in the court of chancery? There were near 140 orders on the paper, the arrears of many years; and it was well known, that at most five or six were heard in each term! The appeals before the House of Lords were also so numerous, that, on a fair calculation, it would take little less than eight years to determine them. At the commencement of the present session, the number of those appeals was 205. In the first 14 days of the session, 44 new appeals had been presented to the House of Lords; since that period 20 had been presented; so that there were 269 appeals then pending before the House of Lords, without including the writs of error! Was this a fit situation for a suitor to be placed in? In a criminal court, in a court of common law, justice was immediate; but in the court of chancery, delay had become so proverbial, that no man began a suit in it with the expectation of concluding it in less than ten years. The lord chancellor, he must repeat, was in no degree to blame, as he had other and important business to attend to. The master of the rolls (to whom the utmost credit was due, for his laborious attention to the duties of his high office) had quite enough to do. Constituted as the court now was, therefore, it was impossible that effectual relief could be granted to the suitors. Superadded to the common business of the court, to the protecting the superintendence of the affairs of infants, lunatics, &c. the lord chancellor had to hear appeals from the commissioners of bankrupts, a source of business which had unfortunately of late become a fertile one. Where one day had formerly been occupied in this manner, five days were now set apart for that purpose. After stating several strong cases in which, to his personal knowledge, the most injurious delay had been sustained by suitors in the court of chancery, and by appellants to the House of Lords, the hon. gent. proceeded to observe, that, in his opinion, a division of the offices which the lord chancellor held might probably afford some alleviation of the evil. The office of a judge in bankrupt cases might possibly be separated with advantage from that of the lord chancellor. If the emoluments of lord chancellor and speaker of the House of Lords conjoined have not been thought sufficient without the addition of those resulting from the situation of judge on bankrupt cases, 4 or 5,000 *l.* a year might be granted to supply the deficiency. Some persons perhaps might think that the office of speaker of the House of Lords ought to be separated from the offices held by the lord chancellor. He did not, however, affect to propose any specific remedy; he had merely thrown out these suggestions for the consideration of parliament, but he declared his determination never to abandon the subject while he had a seat in that House. He regretted that the business had not fallen into the hands of one more competent to treat it with ability, and concluded by moving, "That a committee be appointed to inquire into the arrears of causes now remaining for hearing in the court of chancery, and to report the same to the House, with their opinion as to the best mode of relieving the suitors; and that the said Committee do inspect the journals of the House of Lords to ascertain the number of appeals and writs of error."

Sir *A. Piggott*, though he was fully persuaded that his hon. and learned friend was influenced only by motives of public duty in bringing forward this subject, yet recommended him to withdraw his motion for the present,—a step which would not prevent him from renewing it at any future period, should he find that the evils of which he complained continued to exist, and that no measure had been adopted to obviate them. Situated as he had long been in the court of chancery, it was impossible for him not to do to the noble and learned lord who at present held the great seal the justice to which he was so fully entitled. It did not appear to him to be possible that any man could ever have devoted himself more completely to the public service than that noble lord had done in the performance of the difficult, arduous, and important duties which he had been called upon to discharge. He felt himself the more at liberty to offer this impartial testimony to the merits of the noble and learned lord, as he had not the honour of any closer connexion with him, than that which in the discharge of his professional duties the business of the court necessarily induced. Adverting however to the question before the House, he observed, that one very material reason which might have produced an increased delay in the proceedings of the court of chancery, was a considerable alteration that had gradually taken place in the form of those proceedings. Perhaps no time had occurred in which such delays as those mentioned by his hon. and learned friend did not exist. They were frequently attributable to the agents of the suitors rather than to the court, which thus unjustly because unfoundedly incurred the popular censure. But however great might be the evil, the mode proposed by his hon. and learned friend did not appear to him to be the remedy best calculated to remove it. The venerable antiquity of the situation of Lord Chancellor—its high importance in the state—its close connexion with the crown, made it a subject which those who, without meaning any imputation on his hon. and learned friend, were, perhaps, more experienced than he could possibly be, trembled to touch. He allowed, however, that some remedy might be necessary. He had no doubt, after the notice which the motion of his hon. and learned friend occasioned, that the noble and learned lord would himself give to the subject all the attention which it demanded. He had no doubt also that it would excite the attention of the other members of his Majesty's government. If a legislative proceeding should in consequence be judged necessary, he was sure that no consideration of emolument would be allowed to stand in the way of any remedial measure.—At the present period of the session, when every thing indicated its approaching close, it would be impracticable, even were a Committee appointed, that it could make any progress useful to the public. But, he conceived, that the subject ought in any case to be left to the deliberation of those persons whose authority and experience qualified them most eminently to investigate it as it deserved. He repeated therefore his recommendation to his hon. and learned friend to withdraw his motion.

The *Chancellor of the Exchequer* thought, without going into any great detail on the subject, it must be obvious to every one that there were great arrears in the court of chancery. This circumstance was felt by no one more than by the noble lord who had been mentioned. If it would be any satisfaction to the hon. gent., he could inform him that the subject had been taken into serious consideration. There appeared to be no way of remedying the evil complained of, but by bringing the subject before the House, and letting those with whom the evil originated know, that unless the recurrence of such causes of complaint were prevented, proper measures would be taken for proceeding against them. Throughout the business it was most satisfactory to find the noble lord had taken special care to preserve from injury those individuals whose interests might be endangered by the regulations of the court.

Mr. *M. A. Taylor* appealed to the candour and good sense of the House, if it was likely he should have made his motion had the statement of his hon. friend been made before. All he had asked, and all he wanted, was that the subject should be fairly taken into consideration, and proper means provided to remove the grievance and prevent its recurrence. After what had passed therefore, he should, with the leave of the House, consent to withdraw his motion, wishing it at the same time, to be understood, that if proper steps were not taken to remedy the evil, he would renew it early next session. The motion was then withdrawn.

[ROMAN CATHOLIC PETITIONS—ADJOURNED DEBATE.] The order of the day, for resuming the adjourned debate upon the motion made upon Friday last, That the several Petitions of the Roman Catholics of Ireland, which have been presented to the House in this session of parliament, be referred to a Committee, being read,

Sir *William Scott* rose and spoke to the following purport:—Sir—I feel it my duty to offer myself to the notice of the House at as early a period as is permitted, because I have not merely to state my own sentiments, but those of the respectable body which I have the honour of representing, and by whom I am instructed to state their opposition to the prayer of the petitioners. They have been given to understand that their late election of a Chancellor has been considered in this House as implying a departure from those principles which they professed upon the subject, when it formerly came under discussion. The compliment paid them by the hon. mover upon this proof of increased liberality they beg to decline, though with all private respect for the quarter from which it comes. Of that election it becomes me to speak with peculiar reserve, but I can say without offence, that the success of the noble person was produced by other causes and for other merits than those which have any connection with the Catholic cause. My constituents object to these petitions, because they consider them as injurious to the civil and religious establishments of their country, and I state this with the more satisfaction, as it is an opinion which is in unison with my own.

The Petitions before the House pray an unqualified removal of all legal incapacities under which the Catholics of Ireland labour. They offer no conditions,—no securities whatever: they manifest no disposition to do so, nor any inclination to submit to any conditions that are offered, or to give any securities that may be required; and it is upon these unqualified petitions proposed that we should go into a Committee.

To enter into a statement of general principles applying to these subjects, which have been so long and so recently discussed, would be an unjust invasion of the time of the House. The practical wisdom of mankind has pretty generally acquiesced in the opinion that it is fit that there should be a national religion connected with the state, but with a liberal toleration for those who are of different religious persuasions, not affecting the safety of the general establishments of the country. Upon these principles the constitution of our own country has rested in its best and most enlightened times.—It has prospered under their influence; and a constitution so formed, and so happily prosperous in its effects, ought not to be hazarded but for causes the gravest in their own nature, the most defined in their extent, the most pressing in their necessity, and the most assured in the beneficial consequences which are expected to result from them.

Upon the subject of connection between the civil and religious establishments, it rather appeared to me, that the right hon. mover did not very exactly adhere to the same principles in every part of his very eloquent speech. Certainly in a part of it he had laid down principles that pretty strongly militated against the legality of such a connection. He laid down, in broad terms, that religion was a matter entirely between the conscience of the individual and the Creator; that the state had nothing to do with it; that where it did interfere it wandered out of its proper functions, and encroached upon the sovereignty of the Supreme Being. But he did likewise admit in another part of his speech, that "If a hostile army was now to land in Ireland, whilst the Pope was in his present condition, that the spiritual authority of that pontiff might be most formidably employed against the safety of that country;" and how? by the influence which that spiritual authority has over the consciences of Catholics. If so, he admits the position, that religious opinions may possibly be attended with civil dangers, that the state has an interest in checking, and a right to check the activity of such opinions; a right to employ means of self-defence, to consult its own safety, and certainly not to entrust the holders of such opinions with such portions of its own civil authority as may, under possible circumstances, be applied to its ruin. If so, what becomes of the unqualified assertion, that the state has nothing to do with the religious opinions of its subjects. It is admitted that there are possible and not very improbable cases, in which it must possess and exercise the right. Attributing to the latter part of that speech, all the praise of eloquence that belonged to it, I cannot but think that the merit of just, and correct, and guarded opinion, belonged pre-eminently to the former.

To another part of the right hon. gent.'s speech I shall advert but shortly likewise; that is, to the part of it connected with the immediate history of Ireland, and to the unhappy contests which have taken place at different times in that country. I decline entering into a subject painful in its nature, and which can hardly be touched without exciting sensations which I should be very unwilling to revive for a moment. He has painted in strong colours the oppressions under which the Catholics of that country had laboured; but may I be permitted to ask if it is quite fair to represent all these as the effects of Protestant aggression; without any provocation of any species? at any time? and consequently without any justification or excuse? Has nothing taken place within the two last centuries that might, to an eager mind, furnish materials for unkind reflections upon their opponents? Has nothing passed within the memory of the youngest gentleman in this House, that might not suggest something of the same kind to those who would be disposed to use it? I am confident the House will hardly deem it just in reviewing the history of that country, to confine all the blame to one party, or to think it right that all the transactions of the one should be forgotten, whilst those of the other are to be recorded in brass or marble. I agree in the principle that all should be mutually forgiven. That all should be forgotten may be more questionable in considering a measure of prospective regulation. To turn one's back entirely upon all history and all experience has not usually been deemed an act of true political wisdom.

I now pass to what is more properly the object of our present consideration; the petitions themselves and the motion proposed by the right hon. member. The petitions, as I observed, propose nothing but an unqualified repeal, and they do this in perfect conformity to their former applications; and the motion for a Committee does not itself propose any thing more. But the right hon. mover, in his speech, opens another view of things; for he expressly states that the appointment of this Committee, is for the purpose of considering the terms on which the petitions are to be complied with, the right hon. mover admitting, without reserve, that without terms this compliance cannot be given. It does not occur to me that in any of the former discussions upon this subject, this was ever before admitted or suggested; the arguments of the right hon. gent., and of those who argued in favour of the petitions, adhered closely to the prayer of the petitions, by contending for the propriety of an unqualified repeal, as matter of clear unqualified right and justice. The discovery that it ought to be limited by conditions is rather recent; and I should have been glad to have learnt what circumstances have led to it. Certainly no substantial change in the condition of the pontiff, who was at that time as much under the dominion of the French emperor as at present, the only perceivable difference being, that he was then in *liberâ custodiâ*, and he is now, unfortunately, in *arctâ custodiâ*; the power and influence of Napoleon, to be exercised upon his mind, was as formidable at that time as now; and the influence of the Pope himself over the minds of Catholics, has, I presume, undergone no alteration. I am at a loss, therefore, to find what it is that rendered the unqualified repeal so highly expedient at that time, and so totally inadmissible at the present.

Suppose, however, the Committee formed, what is to be their employment? to take into consideration petitions which the right hon. mover deems it impossible to comply with, unless accompanied with qualifications. Are they to take into consideration petitions acknowledged by the mover to be inadmissible upon their own terms, and then to try their luck in finding out conditions on which they might deem it safe to comply, but which conditions there is no reason whatever for supposing the petitioners will accept? I think we have every reason to infer from the language of the petitions, that no such change has taken place in the minds of the petitioners, as I have remarked in the arguments of their advocates; they do not seem to have hit upon the discovery that conditions are now indispensable; their demand of the repeal is still unconditional. The conclusion therefore is, that if both parties are consistent, the appointment of a committee can lead to nothing. Because if the committee acts upon the principle of exacting conditions, it will in effect negative the petition; and if the committee does not exact them, the petitioners must negative the result of the committee's labours.

The right hon. mover has acted fairly by the House, in declaring what is the species of security he would require, viz. a domestic nomination of their prelates, which he conceived would be a complete defence against the dreaded interposition of French influence over the Catholics of Ireland. Was the right hon. mover enabled to give any assurance that this security would be furnished? No such thing: the hon. gent. has only rested upon his own reasonings, that it was fit it should be furnished, and thence inferred that it might probably be expected. But surely he cannot have forgot how little, in the event at least, the same premises led to the same conclusion, upon the proposition of the Veto. He has with great force contended that that would be the most natural and safe security that could be resorted to;—the fittest therefore to be adopted; and yet he has admitted without reserve, that to obtain that is a groundless expectation. Considerations of propriety and fitness, therefore, (as they strike his mind) are no sufficient grounds for a rational expectation of success in the offer. What reason has he to hope that the proposition he wishes to substitute would meet with a better fate and fortune than his favoured Veto?

I confess, that without knowing distinctly the grounds on which the right hon. gent. builds his hopes, it appears to me infinitely less probable that this scheme of domestic nomination would be acceded to by the Catholics, than the rejected Veto. It was not very exactly, or indeed at all set forth in such a detail as could at all instruct us in the real nature of the remedy proposed, how this domestic nomination was to be exercised. Is the power of nomination to reside in the other prelates of the church? Are they expected to nominate independently of the Pontiff, from whom they derive their own spiritual authority? Is it at all likely that they would concur in a form of appointment so little consonant to the general sense and constitution of their church? If the laity are to share in the nomination, would that be less than an entire schismatical defection from the whole of their ecclesiastical establishment? And gentlemen will remember that the discipline and constitution of their church make neither a small nor an insignificant part of the religious faith of that communion. They are fundamental points—matters of high and important orthodoxy; the unity of the church, the regular devolution of authority from the sovereign pontiff to the prelates, to be by them communicated to inferior pastors, are essentially connected with the most vital offices of religion. Is it to be supposed that all this would be sacrificed by the general body of the Catholics of Ireland for the attainment of the present object? I see nothing in the history of that people that should induce us to expect it.—They rejected the Veto with horror and disdain; I honour them for a conscientious adherence to the principles of their faith in so rejecting it.—But I must honestly confess, that the reverence which I feel for that conduct would be much diminished, if I saw that they were disposed to adopt the present proposal, which goes to a much wider departure from the doctrines of that church, than the proposition of the Veto itself. The Veto, if admitted, would give his Majesty merely a negative; and this, I think, has been rightly enough admitted by Dr. Milner to be a "mere shadow," a thing of shew, but of no real efficacy.

But this proposal of a domestic nomination, (however that is designed to be executed, of which as yet we have received no information) instead of merely giving his Majesty a concurrent jurisdiction, shoulders the pontiff entirely out of the business, and devolves it into hands which are as yet unknown from any description with which the right honourable gentleman has favoured us. In such a course of things, what becomes of the sovereignty of the pontiff, or the unity of the church! If I can judge from any thing that I have been able to collect respecting the faith of that church, I repeat the assertion without any diffidence, that the proposal suggested is at a much wider distance from the principles entertained by the Catholics on such subjects, than the Veto itself, and therefore that there is much less probability of its acceptance.

Before I pursue this matter further, I wish to be informed by the right hon. gent., how he proposes that this measure is to be carried into effect in a manner consistent with Catholic principles; for proposing to carry it into effect upon other principles would amount to little in point of real utility. I could not but observe (he will excuse the remark) that he slurred over the matter of confirmation and investiture in rather a rapid and indistinct manner, as a matter unworthy of our deliberate consideration. I cannot quite agree to that view of the matter: but before I come to that, I beg to ask him, how this machine of domestic nomination is to be put upon the wheels? Is the pontiff to be consulted, or is he not? If he is to be consulted, how can that be done in his present captivity? Can he accept any concordat but such as is dictated by his gaoler Napoleon? And I beg to ask what sort of concordat is likely to be approved by that inexorable oppressor, which comes to him under the description, that it is intended to prevent the success of French interference in Ireland! Let any man weigh that question and its probable solution in his own mind. Supposing such a concordat not made, is this Catholic church in Ireland to usurp the functions of this pontiff, whilst he is languishing in an obscure and helpless captivity, without his knowledge and approbation? Can any man venture such a supposition against all historical, all theological knowledge? What! take to themselves the peculiar attributes of that personage, on account of his temporal calamities! I answer, I observe no indication of such a disposition on the part of the Catholics of Ireland: I see no inclination to withdraw from their allegiance to the person whom they consider certainly as their spiritual sovereign, or to usurp upon his prerogatives, because he is under the lash of a tyrant, who in terms replete with perjury and falsehood professes to respect him. I see no such inclination in the Catholic laity of Ireland; still less in their Catholic bishops. I know that there are in all religious persuasions men who sit loose enough to the distinctive opinions of their sect, or, as the fashionable phrase is, are extremely liberal on the subject of opinions of that nature. There are likewise persons in this particular communion of Christians, highly respectable in their rank and situations in life, and for whom, in consequence of much private intercourse, I have all possible respect, also entertain a system of opinions in which I must believe them to be perfectly sincere, though I must consider those opinions to be, as far as my own individual judgment goes, collected as it has been from the perusal and consideration of canons and other ancient writings, not so clearly reconcileable with the principles of the Catholic church. But if the matter were even so clear that their opinions were perfectly reconcileable with the proper dogmas of the Catholic church, still I maintain that the opinions expressed by the bishops and pastors of that church, supposing them to be ever so erroneous, are those by which the faithful in that church are likely to be governed, and that those opinions exclude all hope that this project of domestic nomination can be acceded to by the general body of Catholics in Ireland. The bishops and pastors are, according to the principles of that church, the depositaries and organs of its faith under the pontiff; and if their judgments upon the matter differ from those of the noblemen and gentlemen who are willing to negociate upon terms, there can be little doubt whose judgment will prevail with the general body of Catholics. What the judgments of those persons are upon this matter, may be learnt from a pamphlet lately published by their accredited agent, himself a prelate of the church, and certainly a person of considerable learning, and of an intrepid sincerity in the avowal of his opinions. I mean Dr. Milner. In that publication it is stated, "That you may as well attempt to pluck a beam from the sun, as attempt to touch a fibre of the spiritual authority of the pope; that the attempt to divide the Catholics from the pope is a monstrous experiment; that it is giving them the shell, and refusing them the kernel." Now if such are the Catholic doctrines of Ireland, what hope is there that the present proposition can be realized? Would it not be asking these people to surrender their consciences, and declare themselves not Catholics? When you attempt, without a real conversion, to strip a Catholic of the opinions which he holds amongst the most sacred tenets of his church, how much do you propose to leave in that person either of a real Catholic or of an honest man?

Suppose, however, all these original and fundamental difficulties surmounted, how is the intercourse that is absolutely necessary for the purposes of confirmation and investiture to be maintained? Certainly not without the permission of the person in whose custody he is; and the permission that may be granted, may likewise be refused. Is it at all likely that that person will concur in executing a plan, the avowed purpose of which is the total exclusion and interference of his? In fact, the whole of the proposed arrangement seems to me to project little less than the transfer to Buonaparté of that power of the Veto which the Catholics upon conscientious principles have refused to allow to their own lawful sovereign.

In every view in which I can contemplate the project, it is impracticable and hopeless, as far as the Catholics are concerned. Whether if it were practicable, it is that in which Protestants should acquiesce with entire satisfaction, is a question which I do not think necessary to discuss at present. The right hon. gent. admits that it is not the most eligible security; he would prefer another, but this is something better than nothing as he represents it. Whether we ought to consider it as a sufficient security against that overbearing influence which the hierarchy of that church exercises over its members, and is surely not unlikely to exercise against the interests and safety of the Protestant, or, as they call it, the non-catholic church. According to our notions, we have cleared our religious system from the impurities which it had contracted during the darkness of the barbarous ages: according to our notions, they unhappily lost the favourable opportunity of accomplishing the same work. Their notions give a very different representation of things; they consider us as the corrupters of the true faith. With the prejudice which such an opinion inspires, supported by the influence which the governors of their church possess, I am by no means prepared to say that this domestic nomination could be accepted as a sufficient security, even if all foreign influence, with its attendant dangers, was out of the case. It might, even in that state of things, be a grave question, looking to the natural hostility of that system of religion to that which has supplanted it in civil establishment, and to the spiritual power over conscience which that system maintains, by the use of all the means by which the minds of men can be forcibly affected. We are to remember, that the pastors of that church are not like the obscure teachers of petty obscure conventicles, with little influence, and dependent on the fancies of temporary congregations: they compose a numerous and embodied hierarchy, acting by a regular and permanent system, tending to a common purpose by an application of the most powerful means. Something more might be requisite, under such circumstances, for the safety of the Protestant establishment, than this domestic nomination. But when you combine with this the apprehensions arising out of foreign influence directly hostile to every interest which the state is bound to protect from danger, and the impossibility of excluding that influence by any barrier which this measure proposes to erect, I cannot for a moment hesitate to give this motion a decided negative. It calls for a committee to consider a proposal which appears to be unattainable in itself, and which if it could be attained, would not give that security to the state and to its establishments which they have a right to demand, and a duty to maintain, against the dangers of probable aggression.

Sir *John Newport.* I rise, Sir, immediately after the learned gentleman, with a view of shewing that the charge he has thrown out against gentlemen on this side the House, of changing our mode of argument, is not imputable to us, however applicable it may be to those who now resist the claims of the Roman Catholics of Ireland, and that it is those only who have always opposed these claims, that now seek new grounds for their resistance, as all their former arguments have been completely and repeatedly refuted. Much of their former scruples were founded upon his Majesty's coronation oath, but this ground they have now completely abandoned, and they change their resistance into merely refusing a committee. It must be obvious, indeed, to any gentleman who will only look back to the circumstances under which that oath was framed, that no such construction is applicable as would warrant those scruples founded upon it. It was the opinion of lord Sommers, sir Edward Lyttleton, and all the first authorities, at the time when the bill under which this oath was framed, passed, that no such intention was thereby expressed, as the taking away any right of persons professing the Catholic religion, or the imposing any obligation upon his Majesty to repress the Catholic worship, or to exclude any Catholic from civil employments under a certain degree;—and so said Mr. Finch, so said sir Robert Cotton, and all the leading authorities of that party who framed the oath. That ground, however, has been laid aside by the opposers of the Catholics, as being found no longer tenable. The motion of my right hon. friend, at present, is merely for the purpose of enquiring what mode of redress can be devised for relieving the oppressions and calming the discontents of four millions of his Majesty's loyal subjects; and it is refused, not upon any ground of justice or policy;—not upon any pretence of impeaching the loyalty of the Catholics, but upon the evasive manœuvre of going into imputed dogmas of the Catholic religion. I would appeal to the sound policy and common sense of the House, whether this be a ground upon which it ought to refuse the motion, and thereby to risk losing the attachment of four millions of subjects, whose zeal and valour are so indispensable at all times, and more especially at this awful crisis, for the common defence of the empire? I ask, is it consistent with the justice, the liberality, or the character of this House, when so many millions of your fellow subjects submit to you, as the ground of their claims, the consideration of their long tried loyalty and attachment to the state, illustrated by their conduct for more than a century, and on numberless occasions sealed with their blood in your cause, through every region in the world; to tell them—"we cannot redress you, we cannot grant you the restoration of those civil rights you claim, because your religious faith is obnoxious to us;—and unless you will first state to us what part of your principles you are willing, and ready to surrender, we will not even go into a committee, to enquire what we may think it expedient to ask from you, or to grant of what you claim." Why, Sir, I beg leave to say that I do not think it is incumbent on the Catholics to make such a statement on their parts. It is, on the contrary, for those who resist their claims, to state to the Catholics upon what conditions, if upon any, they are willing to comply with the prayer of their petition. They state that their birth-rights, as British subjects, have been taken away from them at a former period; they call upon us to restore those rights; and they add, "our claims are grounded upon our long-tried loyalty and attachment to the King and constitution, which entitle us to call on you to rid us of our restraints:"—and yet, Sir, we are desired by those who resist these claims, to reject this petition, and refuse even going into a committee, to enquire how far it is even possible for us to comply with the request, or any part of it. Let us remember, Sir, that the Catholics of Ireland enjoyed these rights they now claim long after a Protestant government was established in these realms: and yet, when we are asked to enquire respecting the necessity of restoring them, we are told it is useless to enquire about that which it would be inconsistent with the safety of a Protestant state to grant. Sir, I deny the fact, and I assert, on the contrary, that the establishment both of church and state, must fall, unless the last of these galling restrictions be abrogated. You cannot expect the attachment or the zealous support of men in your common defence, who are debarred of rights which you exclusively enjoy, and are precluded from rising to the high ranks of professions to which their talents and characters may entitle them. It is to this grand stimulus of honourable ambition and natural ideas, that this and every country in Europe are indebted for the greatest heroes and statesmen that adorn their annals; and you can never have a Marlborough amongst your Catholic armies, while you maintain this invidious and proscriptive principle of exclusion. What would not these Catholics have done for you, had they been admitted to the blessings of your constitution, whose fame has gilded the annals of France, Spain, and Austria, and whose talents have adorned the camps and councils of those hostile states into whose service they have been driven by your narrow prejudices and unnatural policy,—to follow the bent of their genius, and receive those rewards and distinctions for their talents, which they were indignantly refused at home. You extol the valour of those O'Neills and O'Donnels in the service of Spain, whom you have rejected from your own. You are lavish in the praises of Irish Catholics in foreign services, fighting in the cause of your allies, but you refuse them reception and rank at home, in the country they wish to defend. But upon what ground, Sir, are the Catholics of Ireland to be distrusted? or why suspected of attachment to France? I ask, into what country of Europe have you gone, in which you have not found Irish Catholics in the armies of yourselves or your allies fighting with distinguished valour against France? I come to another point: the bar. Why have you cut the Catholic off there from rising by his talents to that rank and honour, which are the most forcible stimulants to ability, and the just meed of merit:—for while the honours and rewards of that profession are open to all other sects, the Catholic alone is precluded from receiving the honorary appointments of a King's counsel or a King's sergeant. Would he be more dangerous in a silk gown, than in one of serge? What peculiar formidability to the state can there exist in a Catholic barrister, when put into the shape of a King's counsel or sergeant?—and yet even from these honorary distinctions they are precluded. With respect to the army in Ireland, you admit, while the regiments remain in that country, Catholic officers to a certain limited degree of rank—but the moment they are transferred to this country, or any other, they forfeit this privilege unless they renounce their religion: of what use, then, to the state, is the admission of Catholic officers or Catholic soldiers under so limited a principle? Sir, it is not only in this country that the Irish Catholic officers and soldiers forfeit the privilege of the Irish statute for allowing them the free exercise of their religion. To my certain knowledge, complaints of the most serious kind have reached this country from Sicily, that although in the midst of a Catholic country, and that in the country of an ally whom those troops are sent to defend with their blood, yet the Irish Catholic soldiers are strictly precluded from the exercise of their religion; many of them have been flogged for practising its worship. Their clergy have been refused all admittance or intercourse with them—and where they have ventured to appear in British quarters, they have been ordered to quit within twenty-four hours, on pain of incurring military punishment. I understand it is alledged, that this order was not made for any particular preclusion to the Catholic soldiers, but upon general principles. But, Sir, if upon any pretence faith is thus broken with the Catholic soldier, and notwithstanding the pledge of law under which he devotes his life to your service, he is thus debarred the exercise of his religion, what can you expect from him, at best, but a languid and passive obedience to the orders of his leader, instead of that gallant ardour and patriotic zeal which a liberal confidence, and above all, a faithful adherence to the condition of his services, would not fail to promote. Give the Catholic but the same encouragement and he will embark in his country's cause with as much ardour and energy as the Protestant can:—and why not, when of the same society, formed of the same materials, and animated by the same manly and natural feelings? I do not mean to depreciate the courage or patriotism of his Protestant fellow soldiers; but sink them to the same level of degradation and injustice with their Catholic comrades,—and I ask you, could you expect from them the same zeal and attachment they now feel for the cause in which they fight? Sir, it is not human nature; and if promotion and honourable distinction be the grand stimulus to the display of great valour, and the acquirement of great military skill, they are as necessary, and will be as effectual with one sect as they can be with the other. But, Sir, even under all the discouragements that I have stated, the Catholics of Ireland have embarked heartily in our cause: we have been obliged to acknowledge it over and over again—and we cannot deny that they have deserved well of their country: but really, the system pursued towards them would seem to emanate from a desire to prevent their doing better.—Sir, this is not all—nor does the principle of preclusion stop at the point up to which I have already stated—for it has been even carried to the invidious length, not only of excluding them from the office of bank directors in Ireland, but even to the pitiful extreme of precluding them from becoming sheriffs or sub-sheriffs, not to mention all the municipal honours of cities and corporation towns. What, then, must the Catholic of Ireland have felt under a system of oppressive and degrading preclusions in his native land, founded on imputations not to be traced to any part of his conduct or principles? It is true, Sir, that under the increased experience and growing liberality of the Irish legislature, many of the penal statutes have been repealed, and many of the prejudices done away, through the liberality of their Protestant brethren; but the legislature ought no longer to tell the Catholic that any portion of his liberty or toleration is to depend upon the discretion of others, but to give him at once a legal security for the whole. Believe me, Sir, that on the conditions of the Union, you have a sacred pledge to redeem. You promised them, in every thing short of a bond, to give them full emancipation so soon as that measure was accomplished; and it was upon this pledge you obtained from them that support to the measure, without which you could not have effected it, and which they would never have been induced to support upon any other condition. Mr. Pitt said at the time: "We are a divided people, distracted, weakened and torn by religious dissensions, which, under existing circumstances, must be interminable.—So long as England and Ireland were under separate governments, it would be impossible to concede those claims, which justice and generosity might grant under a different order of things." Such were the words of the great author of the Union, and the principle upon which alone he objected to this measure. The justice of the Catholic claims were therefore fully admitted by that great statesman, whose objections are now quoted in support of refusing them; and however dangerous the discussion might be thought before the Union, that he thought it no longer so, after that measure was accomplished, I shall shew by the most indubitable testimony; for, in two years after the Union, Mr. Pitt declared his opinion that an extension of the rights of the Protestant to the Catholic was then innocent and safe. He illustrated the sincerity of his opinion by the resignation of his office, on feeling himself unable to accomplish a measure to which his administration stood solemnly pledged. Yet, Sir, this is the tenth year which has elapsed since the Union; and when the Catholics at this day come forward to claim the promised redress, those very persons who profess to admire the wisdom, the policy, and the principles of Mr. Pitt, refuse even to enquire into the justice of those claims, or the policy on which they are rested.

It is said, Sir, that the Catholics have not chalked out any concessions which they are ready to make, in order to justify us in conceding to their claims. Why, Sir, they never had reason to conceive it was necessary to urge any other ground than their tried loyalty and attachment to the state and constitution, which nobody presumes to question, but all profess to admit. It is for those, then, who oppose them, to state the terms upon which they are willing to concede. It is the right and duty of the legislature to state the terms, and leave it for the option of the party petitioning to accept the concession under such restraints as may be proposed to them. And every man must see the policy of granting those rights, at a time when they would secure to us the grateful attachment of the Catholics, and not defer the boon until the cause which would render it valuable should no longer exist. It is no time, when their aid can be no longer useful to resist your enemy, to grant the terms which would now bind them to your cause. Nor is the moment that you want their support, the time at which you should begin to conciliate their confidence and affection. It is not by broken faith that you can secure the loyalty which the Catholics profess. You cannot expect to unite in your cause equal zeal from men between whom there exists such disparity of interests. You are not to hope that men are to be conciliated, by cajoling them out of the expectations they formed on your promises. Such ideas are not founded in the principles of human nature. The same man cannot make the same exertions, if he is not animated by the same hopes:—but give men a common feeling in the same common cause, which the Catholics claim from you—and you will have every ground of reliance upon their gratitude and their zeal.

Sir, I shall not trespass longer upon the patience of the House, than by noticing an observation which has been made by the opponents of the Catholics; namely, that emancipation is not desired by the great body of the people, as its beneficial effects could not extend to the lower orders, beyond what they at present enjoy. Why, Sir, how many men have we seen even in these countries, who have attained the highest characters and dignities, in the law, for instance, who have derived their origin from the very lowest ranks of society? It is natural talents, which neither rank nor education can bestow, that are thus cut off from all advantages derivable from the right of nature and the privilege of genius. I cannot better state the opinions of the Catholics, than in the words of their own petition, in which they state: "that of which they have cause to complain, as the source of daily humiliation, namely, the impassable line of separation drawn between them and their Protestant fellow subjects, which constantly divides the nation, and keeps animosity alive; while they regard the emancipation for which they ask, as a boon above all price, and for the absence of which there can be no compensation." Sir, if I am not mistaken, my right hon. friend has urged this argument in the splendid speech in which he introduced this motion,—and I trust he will make it, as he ought to do, the basis for his future proceedings.

Mr. *Knox* apologized to the right hon. mover for troubling him with a question, but, circumstanced as he was, and bound up by the instructions of his constituents, it was absolutely necessary that he should have some intimation as to his future intentions. The right hon. gent. in his opening speech had declared himself decidedly in favour of the Veto; concurring most cordially with him in this sentiment, he desired to know, whether in the event of his succeeding in his motion, it was the right hon. gent.'s intention to propose that measure, and make it the basis on which to proceed. Should the answer be in the affirmative, which he sincerely hoped it would, he (Mr. Knox) would vote with him for going into the Committee; If otherwise, he should be under the necessity, in conformity with the letter and spirit of his instructions, of opposing him. He would not, at the present, press the right hon. gent. for an answer, but hoped, in the course of the debate, he would be so good as to give him satisfaction on the point, as according to the answer he should receive, his vote would be regulated.

Lord *Castlereagh* said that he could not reconcile it to his sense of duty to give a silent vote on the present important question; he was the more desirous of delivering his sentiments, as circumstances had occurred since the subject was last under consideration, which deserved the most serious notice; he regretted to find that increased obstacles to the measure of extending further political indulgences to the Catholics had arisen out of their own conduct and declarations; obstacles, which from his former intercourse with the body were matter to him of equal surprise and regret.

Considerations, which it was unnecesary for him now to detain the House with repeating, had precluded him from giving his support to any of the various motions which had been submitted to parliament since the Union, for extending constitutional privileges to the Catholics; his sentiments, however, in favour of the principle of the measure, coupled with adequate arrangements for the security of the constitution in church and state, had always been unequivocally declared. It was an opinion formed upon much reflection, and nothing had occurred to shake his conviction on that subject: he had supported the Union from a persuasion that it was calculated not only to put an end to the various political dangers and anomalies of distinct legislatures, in the same empire, but, as opening the only means of adopting, with safety to our establishments, a more comprehensive and liberal system of government.

He had never considered that the claims of the Catholics to further indulgences rested upon a claim of a right, as had been urged by the right hon. baronet (sir John Newport. He had always protested against such a principle, had considered that their claims could only be constitutionally argued on grounds of expediency, and so far as they might be consistent with the stability of the constitution, more especially the ecclesiastical branch of it; he had always resisted political concessions to the Roman Catholics in the parliament of Ireland (having voted in 1793 against the grant of the elective franchise), from a persuasion that, so long as Ireland was governed by a distinct legislature, a participation in political power, with a sect, composing, as it did, the majority of the whole population, was utterly inconsistent with the security of the established church, and with the tranquil administration of our affairs.

It was the measure of union to which he had looked, as alone calculated, by placing the whole fabric of the government, civil and ecclesiastical, upon the basis of a corresponding population, to enable the state to adopt a course of greater political indulgence to the Catholics; but, in looking to such a system, it never had been his opinion, nor that of his late right hon. friend (Mr. Pitt), that such concessions could be made without qualifications and restrictions; it had been, on the contrary, their deliberate and declared opinion, that they could only be thought of, upon the principle of substituting new and equivalent securities in the room of those to be done away; securities, which in their judgment, might be framed upon principles consistent at once with the tenets of the Roman Catholics, and with the improved security of our civil and religious establishments.

In estimating the safety of such a measure, lord Castlereagh admitted that the amount of Catholic power to be thus introduced into the system of the constitution must be weighed, not solely and separably, but that its probable effect must be considered in reference to that of the other sectarists of the empire, with whom their political efforts might, at moments, be combined. The security of the state, including the church, must be adequately provided for, against dangers from all quarters; and it is no reflection upon the loyalty of dissenters, whether Protestant or Catholic, in judging on such a question, to consider, that they cannot be expected to be animated with the same warm attachment to the preservation of a church establishment from which they dissent, as naturally animates the members of that establishment itself. It was also necessary to consider how these important interests might be affected by the political power of the various dissenting sects, in the struggles of party, pressing forward measures which might be injurious to the permanent security of the established religion.

Lord Castlereagh said that it was impossible to traverse the endless detail of reasoning upon which the investigation of a question of this complicated nature depended; he could only state, that his judgment, examining it upon these precautionary principles, was prepared to decide in favour of concession under proper guards; he did so upon a conviction that it was, under all the circumstances, the safest as well as the wisest course. He was of opinion that the anomalous system that now prevailed on this subject, in different parts of the empire, could not be permanently adhered to,—a system contradictory and clashing in itself, and which was most restrictive in England, where least danger could be apprehended from Catholic authority; whilst, in Ireland, where sectarism preponderated, it was comparatively relaxed.

He was persuaded that, if the Catholics conducted themselves with temper and loyalty, and were prepared to concede those securities to the state which their religion admitted of, and the Protestants were entitled to require, that a revision of this system must ultimately be accomplished with the good will and cordial consent of the Protestants; that the concession should proceed from such a temper, had always appeared to him essential to its being either safe or useful; for, without sentiments of mutual conciliation and confidence previously established, he feared a precipitate incorporation would only tend to excite political contention and animosity.

Lord Castlereagh then proceeded to discuss the internal circumstances of Ireland, which rendered regulations necessary, and made concession, under adequate checks, conducive to the social settlement of Ireland; he adverted to the magnitude of the Catholic population—the struggles for power that had for centuries divided and desolated the country—the severe laws the Protestants, a minority in Ireland, but a majority in the scale of the empire, had felt themselves compelled, under an overruling necessity, to enact, for their own preservation,—laws framed to depress Catholic power, and to secure the state and the church, by weakening opponents then unhappily hostile to both. Happier times had succeeded. The last century in Ireland had been one of comparative repose and returning concord. The Protestants had met the change with corresponding sentiments, and we had the satisfaction to observe, under the benevolent protection of his present Majesty, the Catholics relieved from all the severities and the greater part of the disabilities of that painful code; but still, whilst the Roman Catholics have long ceased to be a depressed and impoverished people: whilst all the means of acquiring wealth, influence, and, of course, power, have been communicated to them, little progress has been made in considering how this mighty interest in the scale, not only of Ireland, but of the empire, can best be brought into useful connection with the state. His

His right hon. friend (sir W. Scott) had truly described the great power and influence which every where appertains to the Roman Catholic hierarchy, and no where in a greater degree than in Ireland. It might be doubted whether the influence of the Roman Catholic clergy in Ireland was not the most powerful instrument that existed in that country to direct the minds of the people, not merely with respect to their spiritual, but their temporal concerns. How important then, to the peace, as well as social and moral improvement of the country, that the clergy of so large a proportion of the people should be connected with the state by every tie of common interest which may be compatible with the principles of their religion and the character of its ministers.

When he expressed his desire to see such a connection established, it was not in the expectation of imposing upon them any unbecoming or unworthy influence, which might lower them in the minds of their own people, and disqualify them from the due discharge of their sacred functions. It was no part of his purpose to endeavour to extinguish the Roman Catholic religion in Ireland; he might lament the extent of sectarism in the empire as adding largely to the difficulties of governing it, but he was sure any attempt at this time to disturb the faith and habits of a people long attached, under every difficulty, to their religion, was equally unwise and impracticable; his wish was, therefore, not that they should cease to be Roman Catholics, for if they did, they probably would cease to have any religion at all, but that they should continue to be sincere, but liberal Roman Catholics, connecting themselves with their own government, for purposes of mutual benefit, to the exclusion of all foreign connection.

It was not as justifying any reflection upon the Roman Catholic body in Ireland, he felt it necessary to state, that, not only no connection at this moment subsisted between their church and the temporal state under which they lived, such as has been known to exist both between Roman Catholic governments and Roman Catholic churches, but between Protestant governments and Roman Catholic churches, without any infraction of the principles of their faith; but that the Catholic hierarchy in Ireland is known to be at this day in a state of more complete and unqualified dependence upon a foreign authority, than any other Catholic church now subsisting in Europe. It is no reproach to the Roman Catholic clergy of Ireland, that the liberties of their church have not been vindicated in former times as successfully against the see of Rome as those of the Gallican or other Roman Catholic churches have been; such efforts have seldom been made successfully, except in concert with, and at the instance of, the state itself. It has been the unfortunate policy of the British government, since the reformation, instead of endeavouring to limit and controul papal authority, (so far as papal power may, consistently with the principles of the Roman Catholic church, be limited and controuled,) to aim at a fruitless and ineffectual exclusion of what they never did, or could effectually exclude. If such a policy were ever rational, it is obviously inapplicable to times when the religion of the Roman Catholics is not only recognised and established by law, but those who profess it admitted to the exercise if not of all, at least of some, of the most important privileges of the constitution.

Is it not obvious, then, that the state and the Roman Catholics have a common interest in obtaining such safe-guards against the abuse of papal authority and foreign influence, as other states, both Roman Catholic and Protestant, have established, without prejudice to the principles of the Roman Catholic church, and with the full acquiescence and sanction of the pope himself? and surely, if, at former periods, such securities were desirable, how indispensably necessary have they become since the head of that church has not only ceased, in common with the other states of Europe, to be free, but has been enslaved as a prisoner, within the territories of the enemy?

Such were the feelings and impressions under which Mr. Pitt's government, at the period of the Union, contemplated the possibility of effecting a general settlement.

Upon the ecclesiastical part of the arrangement, lord Castlereagh was authorised, in the year 1799, to communicate with the Catholic clergy. It was distinctly understood, that the consideration of the political claims of the Catholics must remain for the consideration of the imperial parliament; but the expediency of making some provision for their clergy, under proper regulations, was so generally recognised, even by those who were averse to concessions of a political nature, that a communication was officially opened with the heads of their clergy upon this subject.

The result of their deliberations was laid before government, in certain resolutions, signed by ten of their bishops, including the four metropolitans, in January, 1799; in which they declare:

"That, in the appointment of the prelates of the Roman Catholic religion to vacant sees within the kingdom, such interference of the government as may enable it to be satisfied of the loyalty of the person to be appointed, is just, and ought to be agreed to.

"That, to give this principle its full operation, without infringing the discipline of the Roman Catholic church, or diminishing the religious influence which prelates of that church ought justly to possess over their respective flocks, the following regulations appear necessary.

"1. On the vacancy of a see, the diocesan clergy to recommend, as usual, a candidate to the prelates of the ecclesiastical province, who elect him, or any other they may think more worthy, by a majority of suffrages: in the case of equality of suffrages, the metropolitan, or senior prelate to have a casting vote.

"2. In the election of a metropolitan, if the provincial prelates do not agree within two months from the vacancy, the senior prelate shall forthwith invite the surviving metropolitans to the election, in which each will then have a vote. In the equality of suffrages, the presiding metropolitan to have the casting vote.

"3. In these elections the majority of suffrages must be *ultra medietatem*, as the canons require, or must consist of the suffrages of more than half the electors.

"4. The candidates so elected, to be presented by the president of the election, to government, which, within one month after such presentation, will transmit the name of the said candidate, if no objection lie against him, for appointment to the holy see, or return said name to the president of the election, for such transmission as may be agreed on.

"5. If government have any proper objection against such candidate, the president of the election will be informed thereof, within one month after presentation, who in that case, will convene the electors, and proceed to the election of another candidate.

"Agreeably to the discipline of the Roman Catholic church these regulations can have no effect without the sanction of the holy see; which sanction the Roman catholic prelates of this kingdom shall, as soon as may be, use their endeavours to procure.

"The prelates are satisfied that the nomination of parish priests, with a certificate of their having taken the oath of allegiance, be notified to government."

The House will judge of the surprise with which he must have learnt, after receiving from the heads of that church the resolutions in question, not only that such regulations as were therein expressed, and which corresponded precisely with those which the right hon. gent. (Mr. Ponsonby) was authorised by Dr. Milner to open to parliament in the year 1807, could not be acceded to by the Catholics, but that it was also alledged that the Roman Catholic bishops who signed those resolutions, had been terrified by the Irish government of that day into an acquiescence in measures which they afterwards, upon reflection, disapproved.

Lord Castlereagh expressed his persuasion that a statement so ridiculous upon the face of it, and so utterly destitute of truth, never could have been countenanced by any one of the respectable individuals who signed those resolutions. The fact was, that he never perceived the slightest repugnance on their part to the measure, or doubt of its being consistent with the principles of their religion to give to the crown a negative upon the appointment of their bishops; as little did they doubt of the arrangement being acceptable to the pope, whose consent they undertook to use their endeavours as soon as possible to procure. So far from the negative so intended to be given to the crown, being considered as carrying with it any direct controul over the appointment of their bishops, that the wish to have such a power was distinctly disclaimed on the part of government. Not that ministers considered that an actual nomination of a Roman Catholic bishop, even by a temporal prince of a different church, was in itself necessarily incompatible with the Roman Catholic faith in Ireland, any more than in Russia, or Prussia, the nomination only operating in the nature of a recommendation to the pope; but it was of all others precisely that power which government would have been most unwilling to charge itself with, incompetent as they felt themselves faithfully to administer such a trust. They were persuaded that direct patronage was unnecessary to the purposes which they alone had in view, in claiming any interference, viz. the obtaining for the Protestants, a security that no person hereafter should be invested with the functions of a Roman Catholic bishop, of whose character, as a loyal man and good subject, the state was not previously satisfied; and they also knew that direct appointments by the state were likely to create unnecessary jealousy, and to deprive, in the same degree, the individual chosen, of the respect and confidence of those committed to his care. If patronage had been really their object, it never could have been secured, but on the contrary defeated, by the open and avowed exercise of such a power as the proposed negative by the responsible servants of the crown. No such object was looked to, and the persons with whom government communicated at the time did perfectly understand, and did justice to the principles upon which they acted. It is due to the Roman Catholic bishops, at the same time, to state that government experienced, on their part, every facility in the inquiries they had to make; they furnished them freely, and without the appearance of distrust, with every information they required. They shewed, throughout the discussion, an earnest disposition to conform to any arrangements which might be proposed, with a view of giving confidence to the Protestants, and which might not derogate from the principles of their own church. They acknowledged that a moderate provision from the state, such as had been extended to the Presbyterian clergy in Ireland, and to the Roman Catholic clergy in Scotland, would contribute much to the comfort and respectability of their clergy, yet they always displayed an unaffected and disinterested reluctance to receive exclusive benefits, which might have the appearance of separating their interests from those of the laity, and thereby impair their means of discharging with effect their sacred functions.

Those who have studied the public temper in Ireland, can best appreciate how salutary would have been the effects of such an arrangement; how much the Protestants would have been conciliated and satisfied, if the government were entrusted with the means of excluding dangerous men from the exercise of such important powers; and how much the Roman Catholic clergy might be improved, if they grew up in such communication with the state, under which they lived, as to feel that it was not less their interest than their duty to maintain at all times a reputation for loyalty and fidelity. Its benefits would not have terminated there: in times of public tumult and popular delusion, the Roman Catholic clergy would feel, that they had at least something on which they might subsist, without being compelled to flatter the passions of their misguided flock, till the period of intemperance had passed away, and might thus be enabled, with a firmer and bolder step, to tread in the path of their duty.

Whilst the Roman Catholic clergy feel a becoming confidence in the purity of their own intentions, and justly appeal to the tests by which they have solemnly disclaimed all the noxious tenets which have, in former times, been imputed to their church;—whilst they declare that they owe no obedience to the pope, inconsistent with their duty as good subjects, and that their allegiance to the external head of their church is purely spiritual, and restricted to matters of faith and doctrine, yet they must be too well versed in the history of mankind, not to feel and to allow, that, so long as spiritual authority is exercised by men, it is prone to mix itself in temporal concerns, more especially in matters which may be considered as affecting the interests of the church itself; that a taste for power is inseparable from human nature, and that the times may return when the power and influence of the see of Rome, if not restrained by wholesome regulations, (a supposition not extravagant, when the visible head of the Catholic church is a prisoner, and consequently an instrument in the hands of the enemy,) may be turned against the temporal interests and security of the state. Why is the British government alone, of all the powers of Europe, to remain exposed to a danger, against which it has been the invariable policy of all other states, Roman Catholic as well as Protestant, to provide. Why should Spain, the country perhaps, of all others in Europe, least disposed either to heresy or schism, have sedulously excluded the see of Rome from any intercourse with their church, except through the state? Why did Austria? Why did France, unless they were satisfied that such a power, if secretly exercised over the clergy, passing by the state, might, and must be abused? If Roman Catholic states have not thought it safe to rely upon the mere security of oaths, defining the allegiance of the clergy to the temporal government, the interpretation of which, in all cases of doubtful import, as matter of conscience, can only rest with the individuals subscribing them; and if they have deemed it essential to their freedom, and safety, to fence themselves round with additional safeguards, and even to exclude the direct power of the see of Rome, from operating within their dominions, in concerns not purely appertaining to faith and doctrine; can the Roman Catholics of these dominions complain, if the Protestant state of this realm should regard that foreign power with similar sentiments of fair and justifiable jealousy, and insist upon corresponding measures of security and precaution? Shall the Roman Catholics of Ireland complain, or are they rationally entitled to impute to their own government, views either illiberal or unwise, when they demand securities from them not greater than states purely Roman Catholic in their structure have required? If the Sovereigns of Russia and Prussia claimed not only the right of excluding all briefs or rescripts from the see of Rome, not previously submitted to the temporal authority of the respective states; if they further assumed (if not with the formal sanction of the sovereign pontiff expressed in a concordat, yet certainly with his full and cordial acquiescence in giving effect to the appointments made) the direct and positive nomination to all the Roman Catholic sees within their dominions; if regulations similar in principle have prevailed in Protestant states, popular in their form of government,—shall it be imputed as a demand unreasonable on the part of the crown of Great Britain, not actually to nominate, but to have the power of excluding persons from the exercise of the episcopal functions, in whose loyalty his Majesty cannot confide?—Shall all the Roman Catholic subjects in Europe cheerfully confide such power to their respective governments?—Shall the head of the Roman Catholic church himself acknowledge such powers, not only in all the Roman Catholic sovereigns in Europe, but in the monarch of the Greek church in Russia, and in a Protestant monarch in Prussia; and yet refuse to the king of these realms a much more limited interference? That any such repugnance would have been found in the late, or present pontiff, when in possession of their personal liberties, has always been denied by persons most competent to answer for their sentiments. Does it then become the Irish Roman Catholics to raise difficulties on this head?—Does it become their titular bishops, after all that has passed on this subject, to object? They ought to recollect that their church, being a strictly papal church, peculiarly warrants the state in such a demand. The Roman Catholic church of Ireland, from causes already alluded to, never has vindicated its own liberties against the see of Rome, it has no concordat, it has no domestic rights expressly secured. The pope has, on many occasions, rejected the recommendations of their bishops to vacant sees, and substituted direct nominations from himself in their room. In short, it may be asserted, founding their discipline and church government principally on the canons of the council of Trent, a council which pointedly saved to the see of Rome all its rights and privileges, in the most extended and objectionable sense, and which has never been acknowledged, in points of discipline, by the Gallican and other free churches, that the Irish church is at this day one of the most dependent in Europe, and that in which the power of the pope has the most unqualified sway.

It is impossible that the Roman Catholics of Ireland should, upon reflection, gravely determine to stand on such grounds, when they come to solicit constitutional privileges, and political confidence. Do they mean to describe themselves as such separatists from the whole body of the Roman Catholics in Europe, that, consistently with the principles of their religion, they cannot enter into any connection with the state under which they live? In the discussion of a settlement, under the protection of which mutual confidence might be expected hereafter to prevail, many new points may suggest themselves for candid consideration; but can there exist any question upon points long since settled, and understood, by the practice of every liberal Roman Catholic in Europe? —If such pretensions are persevered in, the inference must be, not that the Roman Catholic religion itself is the obstacle, but that the belief and practice of it, at this day prevalent in Ireland, is the impediment?—Are the Roman Catholics prepared for such an avowal? If they are, it appeared to him they must wait till better times and better notions prevail on their part, before they can hope to urge their claims with any prospect of success. With such sentiments political incorporation can never lead to peace and union. Upon such principles concession was never contemplated by Mr. Pitt, nor, as far as he believed, by any of those who acted with him at the time of the Union. They were prepared to give the Roman Catholics the most unqualified securities, for the free exercise of their religion; their wish was to see the ministers of the Roman Catholic communion, without prejudice to the established religion, decently endowed. They had no desire to interfere with the discipline of the Roman Catholic church, so far as it regarded matters of worship; but, in so far as it concerned the appointment of their clergy, especially the titular bishops, and more particularly the intercourse of the Roman Catholic body with the see of Rome, they desired to see it brought under such regulations, as, without imposing any degrading dependence upon the crown, might dissipate the impressions of alarm naturally arising from the secret exercise of a foreign influence within these realms:—by secret, he did not mean to insinuate, that it had not been innocently exercised in latter times; by the two latter pontiffs, he believed it had been not only innocently, but most virtuously administered, and with the most friendly views both to the interests of the state, and the preservation of internal peace; but no such covert interference ought to prevail in any country, and it ought to be the wish of the Roman Catholic body, as much as of the Protestant, that its operations should be undisguised, and be submitted openly to the inspection of the temporal power.

Lord Castlereagh proceeded to argue on the compatibility of such a modified endowment of the clergy of a dissenting sect, with the preservation of the established church in all its rights and privileges. He instanced the advantages which had been derived from a similar provision, which had long been enjoyed by the Presbyterian clergy, but especially from the regulations under which that endowment had been lately extended. He adverted to a similar extension of royal benevolence to the Roman Catholic Clergy in Scotland, which took place, with the grateful acknowledgements of the late Pope, Pius VI. in the year 1796. He pointed out that the adoption of such a measure of indulgence to the two ancient sects, whose numbers and weight in the empire made them objects of permanent regulation, did not countenance any claim in the various and fluctuating sectarists of the present day to similar favor and protection, which could not fail to be productive of the greatest evils, as tending to encourage religious separation. He instanced the case of Scotland, where the episcopal church was endowed by the state, without prejudice to the established Presbyterian religion, and contended that, so far from endangering, such a system was calculated to strengthen the established church, by tranquillizing Ireland, and by placing the clergy of the most numerous sect in a more friendly relation to the state.

In this view, he further argued against the idea that any additional evil or difficulty arose from the existence of the Roman Catholic religion in an episcopal form in Ireland. On the contrary, he was of opinion, that the power and authority incident to bishops was, in itself, *protanto*, a salutary reduction of the external authority of the See of Rome; and on this ground, however, the assumption of the titular character might excite some degree of uneasiness, he much preferred the ministry of bishops to that of apostolic vicars, who were missionaries, removeable at pleasure, and obliged explicitly to obey all orders from Rome.

Lord Castlereagh next proceeded to complain of the insinuations too often falsely and ignorantly thrown out, of pledges given to the Roman Catholics on this subject, at the time of the Union. He condemned the practice of idly imputed breaches of faith on loose grounds, which tended to excite a sense of injury, as well as disappointment. It was singular if such pledges had ever been given, or promises made, that none of the parties to whom they were addressed, should have come forward distinctly to claim their execution; he asserted that none such existed, to his knowledge, and he could venture to make the same assertion on behalf of those with whom he had acted.

He did not mean to say, that many of the Roman Catholics did not form, and naturally form, sanguine hopes that further political indulgences would follow the Union, founding such expectation on several of the speeches delivered in parliament at the time, and on the general language held,—that their claims would be discussed in the united legislature with less prejudice, and that the question itself would then come forward, stripped of many of its local difficulties; but these speeches could only conclude the individuals who made them, they could neither commit the parliament, nor the government, whose language uniformly was, that it was a question which must remain for the unfettered wisdom of the united parliament to dispose of: and so pointedly distinct was Mr. Pitt's language on this subject, that, when opening the measure, after setting forth all the immediate advantages of union, he expressly argued, that it would be more safe, in an united legislature, either to concede, or to refuse the Roman Catholic claims.

So anxiously solicitous was the Irish government not to mislead the Roman Catholics, with false hopes, that they never gave them, during the two years the Union was in agitation, any reason to know what line Mr. Pitt was likely ultimately to take upon their measure. In consequence of this studious reserve on their part, much of the influence of the Roman Catholic body was exerted against the Union, and so little did the Roman Catholics, who had been in communication with the Irish government, feel themselves entitled, from any previous explanations they had received, to expect Mr. Pitt to take the decisive line he did in favour of their claims, that he believed his doing so was a matter of considerable surprise to them.

That lord Cornwallis never considered any pledge or assurance to have been given, he had the means of proving, beyond the possibility of doubt, from a communication received from that noble lord, in 1801, in reply to inquiries made by himself, relative to two papers, which the House will recollect were circulated in Ireland at that time, and which he (lord Castlereagh) had never seen till they appeared in print; on the contrary, the principle upon which lord Cornwallis acted was, that the measure, to be either conciliatory or dignified, ought to be the spontaneous and gratuitous act of the united legislature. The Memorandum received from lord Cornwallis, he would, with permission, read.

"Dublin Castle, March 3, 1801.

"My dear Lord;

"In answer to the queries stated, in your lordship's letter to the lord lieutenant, of the 26th instant, his excellency has directed me to enclose to you the statement which accompanies this letter, and which has been prepared according to his excellency's directions; I am ever, my dear lord, most truly, your lordship's servant, E. COOKE."

"Viscount Castlereagh, &c."

Memorandum. "When it was notified to the lord lieutenant that Mr. Pitt, lord Grenville, lord Spencer, lord Camden, Mr. Dundas, and Mr. Windham, had requested permission to retire from his Majesty's councils, upon their not being sanctioned in bringing forward such measures as they thought essential to secure to the empire the full benefit of the Union, the most important of which measures was a concession of further privileges to his Majesty's Roman Catholic subjects, his excellency conceived that it was expedient that the Catholic body should have an authentic communication upon a subject so deeply affecting their situation and interests, and so calculated to influence their future conduct.

"His excellency had long held it as his private opinion, that the measure intended by those of his Majesty's ministers who were retiring from office, was necessary for securing the connection of Ireland with Great Britain. He had been, however, cautious in his language on the subject, and had studiously avoided any declaration to the Catholics, on which they could raise an expectation, that their wishes were to be conceded. Through the whole measure of the Union, which was in discussion for two years, and, during which period, every effort was made to procure a resistance to the measure on the part of the whole body of the Catholics, no favourable assurance or promise was made to them.

"Their judicious conduct, during that trying period, confirmed his excellency in the opinion, that every measure tending to secure their attachment to the empire in future, which they had in this instance so essentially served, ought in true policy to be attempted.

"His excellency did therefore recommend it to his chief secretary, who was engaged with his Majesty's ministers, in the course of the summer, in England, to second every disposition for effecting the object of the Catholics: at the same time he retained a prudential reserve to the Catholics during the progress of the discussions of the cabinet.

"His Majesty having approved of the solicitation of the majority of his Majesty's ministers to retire from his Majesty's councils, his excellency having requested that his Majesty would extend to him the same indulgence, it became a matter of public duty for his excellency to explain to the Catholic body the sentiments which had been held with respect to them, and to inculcate the line of conduct which in this arduous crisis it became them to pursue.

"His excellency therefore, being apprized of the sentiment held by Mr. Pitt, did, on the 13th of February, send for lord Fingal and Dr. Troy, and gave them two papers, to be by them circulated among the principal Catholics in different parts of Ireland.

"The first, his Excellency felt assured, corresponded with Mr. Pitt's sentiments;

"And the other conveyed his own private sentiments, formed on the speeches and conduct of many of the most eminent characters of all parties and distinctions.

"It being of great importance that any communication made by his excellency, should not be misunderstood, or misinterpreted, and that it should make a due impression, and produce a general good effect, his excellency preferred a written to a mere verbal communication, which might have been ill reported, and might have been subject to perversion, according to the inclination or the capacity of those who should circulate and receive it.

"His excellency has seen a happy result from this mode of proceeding. Rumours having been transmitted from England, that the wishes of the Catholics were likely to be acceded to, every ill consequence from their disappointment has been obviated; and there is now every reason to believe, that they will take that line of conduct which the well-wishers to his Majesty's service, and the cause of the empire, would desire."

The House will perceive, from this statement, not only that no pledge was given previous to the Union, but that the papers in question, which have been often confounded in point of date with the Union, and been supposed to contain some pledge, were framed and issued in Ireland, long after that measure had been effected, without the knowledge or authority of any member of the government in England. The sentiments contained in one of the papers*, lord Cornwallis knew to be Mr. Pitt's, having been conveyed in a letter from himself (lord Castlereagh) to his lordship, which letter was previously

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* The leading part of his Majesty's ministers finding unsurmountable obstacles to the bringing forward measures of concession to the Catholic body, whilst in office, have felt it impossible to continue in administration, under their inability to propose it with the circumstances necessary to carrying the measure with all its advantages, and they have retired from his Majesty's service, considering this line of conduct as most likely to contribute to its ultimate success.

The Catholic body will therefore see how much their future hopes must depend upon strengthening their cause by good conduct in the mean time.

They will prudently consider their prospects, as arising from the persons who now espouse their interests, and compare them with those which they could look to from any other quarter.

They may with confidence rely on the zealous support of all those who retire, and of many who remain in office, when it can be given with a prospect of success.

They may be assured, that Mr. Pitt will do his utmost to establish their cause in the public favour, and prepare the way for their finally attaining their objects.

And the Catholics will feel, that as Mr. Pitt could not concur in a hopeless attempt to force it now, that he must at all times repress with the same decision, as if he held an adverse opinion, any unconstitutional conduct in the Catholic body.

Under these circumstances it cannot be doubted, that the Catholics will take the most loyal, dutiful, and patient line of conduct, that they will not suffer themselves to be led into measures, which can, by any construction, give a handle to the opposers of their wishes, either to misinterpret their principles, or to raise an argument for resisting their claims; but that, by their prudent and exemplary demeanour, they will afford additional grounds to the growing number of their advocates to enforce their claims on proper occasions, until their objects can be finally and advantageously attained.

Sentiments of a sincere friend to the Catholics,
(Lord Cornwallis.)

If the Catholics shall now proceed to violence, or entertain any ideas of gaining their object by convulsive measures, by forming associations with men of jacobinical principles, they must of course lose the aid and support of those, who have sacrificed their own situation in their seen and approved of by Mr. Pitt, although not expressed precisely in the terms used in the paper; but that the opinions contained in the second paper, were given to the Roman Catholics simply as his lordship's own sentiments at the moment, appeared distinctly, not only from the Memorandum which he had read, but still more pointedly from a correspondence which subsequently took place between lord Cornwallis and Mr. Plowden *, with reference to these papers, in which his lordship declares "that he never was authorized, directly or indirectly, by any member of the administration who then resigned his office, to give a pledge that he would not embark again in the service of government, except on the terms of the Roman Catholic privileges being obtained." That lord Cornwallis did not continue to consider, even as a matter of opinion, that the grounds

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cause, but who would at the same time feel it to be their indispensable duty to oppose every thing tending to confusion. On the other hand, should the Catholics be sensible of the benefits they possess, by having so many characters of eminence pledged, not to embark in the service of government, except on the terms of the Catholic privilege being obtained, it is to be hoped, that on balancing the advantages and disadvantages of their situation, they would prefer a quiet and peaceable demeanour to any line of conduct of an opposite description.

* *(Copy). Correspondence between Lord Cornwallis and Mr. Plowden.*

(From Mr. Plowden.)

Essex Street, 6th April, 1805.

My Lord; Having, by the publication of my Historical Review of the State of Ireland, largely committed myself to the present and future generations, I will not dissemble that I am anxious to preserve, and hand down to posterity, my character free, as I know it to be, from the slightest stain upon its honour, honesty and truth. Ere your lordship quits this country, I have one request more to make of you, which, as it is an act of justice to the Irish nation and to yourself, I do expect will be attended to. It is merely that your lordship verify my assertion of your having given the papers mentioned in my Historical Review, 3d vol. p. 944. to Doctor Troy, in the presence of Colonel Littlehales. My reason for asking this act of justice at your hands is, in order that in your absence, I may effectually repel the charge which has been made to me personally in Downing-Street and elsewhere, by members of parliament, calling themselves your lordships confidential friends, that you never did give such pledge to Doctor Troy, nor ever did entertain a sentiment like those which are expressed in that paper. I am encouraged by several of the first characters of this country, to prepare an abridged edition of my work, for more general consultation, and I shall, of course, avail myself of fresh evidence to confirm what I hope is true, as well as to correct what I should lament was false in the present edition. Your lordship will not wonder that a certain degree of scepticism has assailed my mind upon coupling in my thoughts some recent appointments with many characters of eminence, pledged not to embark in the science of government, except on the terms of the Catholic privileges being obtained. I therefore thought it consistent with the character of a gentleman to present you my works, to write to and to call upon your lordship. As these intended marks of attention have remained unnoticed, I should think it inconsistent with that character to renew them. I have the honour to be, with all due respect, Your Lordship's obedient humble Servant,

Francis Plowden.

(Lord Cornwallis's Answer.)

Burlington Street, 7th April, 1805.

Sir; I have received your letter of yesterday's date, and I feel no difficulty in giving the most satisfactory answer to it in my power.

I have neither a copy nor a distinct recollection of the words of the paper that I gave to Doctor Troy; but this I perfectly well remember, that the paper was hastily given to him by me, to be circulated amongst his friends, with the view of preventing any immediate disturbances or other bad effects that might be apprehended from the accounts that had just arrived from England; and if I made use of the word pledged, I could only mean that, in my own opinion, the ministers, by resigning their offices, gave a pledge of their being friends to the measure of Catholic Emancipation; for I can assure you that I never received authority, directly or indirectly, from any member of administration who resigned his office, to on which the ministers then resigned should preclude them from again lending themselves to the public service, was evident from his being the first himself to accept a situation under the crown, an acceptance of office which no man who knew that exalted character, can suppose to have proceeded from any other motive than a sense of public duty. But supposing his opinion had remained unchanged, it could neither pledge nor bind Mr. Pitt, lord Grenville, himself, or others, who then retired, not to take office.

The government at that day gave the most unequivocal proof of the sincerity of their sentiments on this great question, in retiring from an administration which, at that moment, enjoyed in the highest degree the confidence of their sovereign and the country. If they found greater impediments than they expected, much greater than they could overcome, to the accomplishment of their views with respect to Ireland, no fair man can impute to them, on that account, that they did not discharge their public duty honestly, boldly, and disinterestedly; and if, after they had given this decisive and unequivocal proof of the designs they had formed for consolidating all the advantages of the Union, they were conscientiously satisfied, from what then passed, that the measure could not be pressed with advantage, it became them to recollect, that this was not the only question in which the interests of the empire were involved, and to feel that duty commanded them no longer to refuse their services to their sovereign, when his Majesty condescended to require them.

Lord Castlereagh concluded by stating, that his vote, on the present night, would be guided by the same considerations which had on two former occasions induced him to be of opinion that no practical advantage could result to the question from going into a committee, whilst its successful accomplishment remained, in his opinion, impossible. How much more hopeless had it become at the present moment, when, in addition to all the former impediments to success, obstacles the most serious, and to him the most unexpected, had been raised by the Roman Catholics themselves. It never had been any part of his purpose to force the Protestant mind upon the subject. Time, and a due disposition evinced on the part of the Roman Catholics to connect themselves with the state, might create favourable impressions, on the growth of which, retrocessions of sentiment, such as those lately witnessed, could not fail to check and to destroy. For what purpose go into a committee, when no person has any plan to propose; when the Roman Catholics are neither prepared nor enabled to comply with what is allowed even by the right hon. gent. (Mr. Grattan) who moves the committee, to be an essential preliminary? But, in his mind, there were other insuperable bars at present to its accomplishment, the public mind was not ripe for the measure, the indisposition was too general and too strong. He also felt too deeply impressed with those considerations which had determined Mr. Pitt to discourage the agitation of the question, whilst he lived, to reconcile it to his ideas of duty, now to press it. He had stated his sentiments candidly and fairly, he much doubted the policy of

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give a pledge that he would not embark again in the service of government, except on the terms of the Catholic privileges being obtained. Sir, I have the honor to be, &c. &c. CORNWALLIS.

(From Mr. Plowden.)

Essex Street, 8th April, 1805.

My Lord; Having given to your lordship a copy of my History, and in my letter of the 6th instant pointed to the page of it which contained that important paper, of which you say that you have neither a copy nor a distinct recollection, I take the liberty of inclosing an exact copy of it, from the manuscript of Doctor Troy in my possession, which led me to believe that it had neither been hastily given nor insidiously intended to answer a temporary purpose, or to meet the effects of a flying report. I have the honor to be, with all due respect, Your lordship's obedient humble servant,

FRANCIS PLOWDEN.

(Lord Cornwallis's Answer.)

Burlington Street, 9th April, 1805.

Sir; I alluded, in my former letter, to a short paper which I gave to doctor Troy on the morning after the account of the resignations arrived. I have no copies of the papers that you transmitted to me. I do not, however, doubt their authenticity; but of one circumstance I can speak with absolute certainty, viz. that I had, on no occasion, any authority for making use of the word pledged, but the act of resignation. I have the honour to be, Sir, &c. CORNWALLIS.

having exposed a question of this nature to successive defeats, by bringing it forward under adverse circumstances; but, if the Roman Catholics thought discussion at all events advantageous to their cause, it was natural for them to court opportunities of bringing the subject under the repeated deliberation of parliament. Lord Castlereagh bore testimony to the judicious and temperate manner in which Mr. Grattan had always agitated the question, and concluded by hoping that, from the present debate, at least one advantage would result, that the Roman Catholics of Ireland would discover the errors into which they had lately fallen, and correct them.

Sir *John Hippisley* rose to offer some explanations. The noble viscount, he observed, had understood that there were not more than two dioceses in Ireland in which the discipline of the council of Trent had not been received and promulgated, although he (sir J. H.) had stated "there were six in that predicament;—but this distinction, (added the noble viscount) did not materially alter the general inference."—The discipline of that council, particularly as affecting clandestine marriages, was not obligatory, because not canonically recognized in the archdiocese of Dublin, nor in the dioceses of Kildare, Meath, Fernes, Ossory, nor in the wardinate of Galway, which has episcopal jurisdiction, though the warden, by a singular prescription, is of a lay nomination: the result was, that a marriage between minors, without consent of parents, which was valid in either of these enumerated dioceses, would be deemed invalid in the other dioceses wherein the decrees of the council had been canonically received.—The inference, therefore, was certainly of more importance than the noble viscount attached to it; for it not only went to prove that much eventual mischief, affecting the feelings and property of families, was incidental to this contrariety of practical discipline,—but also it demonstrated that the Roman Catholic church of Ireland was not so implicitly governed by the decrees of the council of Trent, as had been asserted. In reference to another part of his speech, which had also been touched upon by the noble viscount, sir J. H. wished to state, that the acquiescence of the Pope in the recommendation of the British and Irish Catholic prelates was not invariable; for some time after the abdication of James 2, the representative of the house of Stuart was generally complimented with the recommendation. In latter times it was left almost entirely to the domestic prelates—but in the instance of the recommendation of Dr. Milner as vicar apostolic of the middle district, though standing high in estimation at Rome, the faculties of institution were for a considerable time suspended, as the see of Rome had been impressed with an opinion that the appointment would not have been acceptable to the then government.—Upon its being understood, however, there was no ground for such a report, the usual faculties were expedited. This fact may be taken as an instance in which the see of Rome was desirous to mark its respect for his Majesty's government—a disposition uniformly manifested throughout the last and present pontificate.

The Hon. *W. Lambe.*—Sir, I do not know whether the noble lord be right or not in his opinion, that this is the most unfavourable moment for bringing forward, with any prospect of success, the present question; but this I do in my conscience believe, that if this question be not brought forward, that if this measure be not speedily adopted, our blindness and our delay will be the ruin and destruction of this country.—Feeling as I do with the noble lord, that there is throughout this nation, as he expressed, a great weight of resistance to this measure; that there does prevail, in a great proportion of our countrymen, a fair and honest, though in my view an erroneous and mistaken opinion upon this subject; and having upon a former occasion, in the year 1808, given a vote similar to that which I shall give this night, I must necessarily feel anxious, I had almost said, to vindicate, at least to explain, my own sentiments, and the line of conduct which I have already held and shall again pursue.—But this wish alone would not have been sufficient to induce me to rise, as I own I was very anxious to do immediately after the speech of the learned judge, who opened this night's debate, if I had not thought and felt that the argument of that learned judge had placed the question exactly upon the ground upon which it was most advantageous to argue it.—The learned judge, speaking not only with all the weight of his own character and situation, but with all his own proper authority augmented and increased by all the dignity which belongs to the learned university of Oxford, declares that the venerable body which he represents do seriously and sincerely apprehend, from the removal of these disabilities upon the Roman Catholics, danger to the national church establishment and to the Protestant religion. The learned judge, however, added not one word of argument in support of this assertion, and I do put it to the House, whether it does become the learned judge, whether it does become the university of Oxford, upon a great question like this, to throw out vague and general declarations of danger, without condescending in the slightest degree to point out and explain from whence the danger arises, in what manner it threatens, and how the institutions and establishments alluded to are likely to be affected by the adoption of the proposed measures.—The learned judge attempted also to charge an inconsistency upon my right hon. friend who brought forward this question, alledging that in the beginning of his speech he seemed to treat the religion of the subject as a matter with which the government had no right whatever to intermeddle or concern itself, as a matter resting solely between God and man, and that towards the conclusion he admitted, in contradiction to his former principle, that there might be political danger from the spiritual influence of a foreign power.—Good God! Sir, danger from the spiritual influence of a foreign power! danger from the prevalence of the Roman Catholic religion in Ireland! Who ever doubted, who ever disputed it? Who does not admit it with sorrow and trepidation? There is danger, Sir, a danger which makes me shudder day and night—a danger which makes the empire totter to its very foundation.—But the question is not now upon the existence of the danger, but upon the best means of meeting and averting it.—The question is, whether there be danger in adopting this measure; whether there be danger in removing these disabilities; whether there be danger in giving to the whole people of Ireland equal rights; and whether, on the contrary, these be not the surest safeguards and defences against that danger, which we are all compelled to admit, and which we all deplore.

With respect to the principle of toleration it has been over and over again said that we are all agreed—I hope we are; but the difference is, as to the application of that principle.—I suppose it will be admitted to me by the most zealous opposers of the present claims, that if they could be convinced in their own minds that the Roman Catholics would, when they had obtained equality, be content with it, that they would urge their pretensions no farther; that they would not attempt to subvert the Protestant establishment, and erect a church of their own in its stead; that they would use the power which should be granted to them for the support of the constitution, and not for its overthrow; that they would oppose, heart and hand, a foreign enemy, even though backed and assisted by all the spiritual influence of the Pope, and not from religious motives unite with and assist him. I say, if they could be thoroughly convinced that these are the principles, and that such would be the conduct of the Roman Catholics, they would at once withdraw their opposition, and consent to the concession of those privileges, which prudence and apprehension of the different objects and intensions induce them now strenuously and decisively to withhold.—On the other hand, I am as willing to admit to them, that if it could be shewn to me that there were any chance, any likelihood of making any impression upon the Roman Catholic faith in Ireland, of producing within any time, such as human nature can reasonably calculate upon, by the continuance of those restrictions, an increase and extention of the Protestant religion, so much is that an object near to my heart, so anxiously and devoutly do I think that a consummation to be wished, that hostile as I am in principle to disabilities on account of religious belief, I should be willing to embrace even this mode of producing so good an effect; I should be ready to purchase so important an advantage even at the expense of the continuance of these laws.

But upon both of these points my reason compels me to be of a different opinion.—I do not think such a spirit, such a temper, such a line of conduct is reasonably to be apprehended from the Catholics.—I do not think the apprehension, if it were well grounded, of the demands which the Catholics may make hereafter, a just or a wise ground for refusing them what they demand at present; and if this apprehension of the malignity of their ulterior views and objects be well founded, I do not think, nor can any man think the refusal of their demands calculated to have any other effect than that of increasing, inflaming, and irritating that malignity, still less can I believe that there is any chance whatsoever of producing, at least within many years, any material alteration in the religious faith of the majority of the Irish.

It is said, that such is the never dying spirit of encroachment, that such is the restless lust of domination inherent in, and inseparable from the existence of the Roman Catholic religion, that it never will acquiesce in any thing short of complete and unqualified superiority both in church and state? Is this said? Let us see how well it is borne out by facts. Recollect, that now during some centuries you have established, with some reluctance, and with some disturbances indeed, a religion contrary to the opinion of the great majority of the inhabitants of that country: you have placed and kept an heretical clergy, heretical in the eyes of the people, in possession of all ecclesiastical revenues and of all ecclesiastical dignities.—You have effected that in Ireland which two Roman Catholic monarchs, assisted by Roman Catholic ministers, found themselves totally unable to effect in this island.—You have accomplished that object in Ireland, for attempting which you deposed and drove into exile one of your own lawful hereditary sovereigns.—Let us consider this fact in justice to the Roman Catholics.—Let us recollect this plain statement of circumstances, when we talk of the obstinacy, of the restlessness, of the unyielding spirit of that religion, and let us also have clearly in our view, and bear strongly in our minds, that what we call obstinacy and pertinacity in error; they call, aye and consider too, courage and fortitude in the cause of truth.—Is this spectacle of a religion rejected by the greater part of the people, and at the same time established by law, exhibited by any other nation in Europe at this day? is it to be found in history? is it reasonable in itself, if it be abstractly considered, and without reference to the peculiar circumstances which have made it necessary? If the answers to these questions be, as they must be, in the negative: a people who have acquiesced, and who are still willing to acquiesce in such a dispensation, do not deserve to be stigmatized as a very stiff-necked and perverse generation, as very prone to rebellion, as ever ready to seize opportunities for insurrection, or as peculiarly tenacious in maintaining their own religious tenets and opinions,—will then toleration make them more rebellious than before? Will unity and indulgence excite a spirit of hostility, which has not manifested itself under harshness and oppression? Will conciliation have the novel effect of alienating and offending?

But grant that it be so; grant that their object be to overthrow the Protestant and establish a Popish hierarchy; grant, that if these concessions were made, such would still remain their object, then I ask, what greater power do you give them of accomplishing that object, by removing those restrictions? what greater difficulty do you throw in their way by continuing them? Do you do any thing by them, but add to that eagerness for superiority which distinguishes, as you say, the Roman Catholics, which, as others say, is the characteristic of all religious sects, or rather of all bodies and associations of men?—Do you diminish their numbers by them?—No,—on the contrary, all sects thrive under any mark or note that is set upon them.—Do you detract from the authority of their pastors?—On the contrary, you give them every means of increasing their influence.—Do you establish any thing like a controul over them on the part of the government? No,—you miss the best means of obtaining sway amongst them; for what could give the government a greater, a better, a more genial influence amongst the Roman Catholics, than the circumstance of some of them being members of this House, some of them enjoying commands in the army, some of them filling important civil offices under his Majesty: and if men there are amongst them, as no doubt there are, if men should arise amongst them, as no doubt there will, endowed in every respect with capacities sufficient to sustain the weight and support the dignity of the highest situations in the army, the navy, the law, and the state, is it to be expected or feared that such men will entertain so depraved and mistaken notions of the tenets and doctrines of their own faith, as to be prepared to excite intestine commotion, to unite with the pope or any other foreign prince, to employ the power, which their merits have obtained, for the purpose of overturning that throne and that constitution from which their own dignity is derived, and upon the stability of which their own influence and importance, their own characters and fortunes, entirely depend?—I trust there are no traitors in any class of our fellow-subjects; I trust there never will be; but I am sure they are more likely to be found amongst those who are excluded from trust and power, than amongst those who are admitted to them.—These reasons are to my mind satisfactory, that there is no political advantage to continuing these restrictive laws, that there is no political danger in repealing them.

Now, Sir, with respect to the religious part of this question, which strictly speaking it is impossible to separate from the political, though for the sake of convenience it may be so considered.—I am as anxious as any man in this House for the propagation of the true faith in Ireland; I have as much confidence in the natural strength of the religion which we profess, I have as little doubt that, if it be allowed to be heard, truth will ultimately prevail over error, the reformed over the Roman Catholic form of worship.—Take all the proper and rational means for promoting this great object, use all the power of instruction, of education, of argument, and you have my warmest wishes for your full success;—but recollect at the same time that the progress of reason, though sure, is very slow against superstition;—consider how very tardy the march of the human mind is upon these subjects;—look back upon the page of history, and see whether, since that great schism which tore asunder the Christian world, since the memorable æra of the reformation, an æra at which the eagerness of inquiry and the flagrant abuses of the Church of Rome had inflamed the minds of men to a vehemence and irritation, which has long since subsided; an æra, at which all men's thoughts were intent upon religious differences and topics of controversy, and from which, consequently, no reasoning can be fairly applied to times of a different complexion—see whether, since that period, you can produce me a single example of any great body of men who have changed the religion which they have received from their fathers.—How long, then, and this is perhaps the most important point of view in which the question can be considered; how long are you to refuse to Ireland some of the most important privileges of the British constitution? How long must you determine to continue in that country the present unnatural state of affairs? If until the majority of her inhabitants are converted from their religious errors, ages upon ages may first elapse, and you are pronouncing against them, according to the finite views of man, an eternal proscription.

But then I ask you besides, of what assistance to you in this great work of conversion are these disabilities? All the weapons, by which your cause must ultimately prevail, the weapons of reason, of argument, of common sense, will be as powerful in your hands after the repeal of these laws, as they are at present.—They are entirely independent of penal codes and legislative exclusions.—How, then, do these restrictions help you in your efforts, or further you towards your object? —Why, not at all! on the contrary, they are a great obstacle to your success, a great impediment to you in your course. —They are so, because it is well known that all religious sects are active and zealous, and consequently that they thrive and grow under difficulty, and want, and disability; and that they become supine and negligent as soon as they are established in security.—These are principles so well known, so generally acknowledged, that it is quite unnecessary for me to take up the time of the House by expatiating upon them.—This is the simple view which I take of the case.—I have the same objects in view as those who oppose the present question; the maintenance of the Protestant establishment, and the extension of the Protestant religion: —for the reasons I have given, I do not believe either that the former would be endangered or the latter retarded by our granting the prayer of these petitions. I have endeavoured to establish five propositions, which if they be established, lead, in my opinion, irresistibly to a conclusion in favour of the motion brought forward by my right hon. friend.—First, that there is no reason to impute to the Roman Catholics of Ireland a disposition hostile to the English government.—Secondly, that if such a disposition does not at present exist, it will not be produced in them by the concessions proposed to be made.—Thirdly, if such hostile disposition does at present exist, you give it no greater power of doing injury by removing the disabilities, than it possessed while they remained in force.—Fourthly, that if you propose to delay this measure until any great revolution is effected in the religious faith of the majority of the Irish nation, you propose in fact to wait for ever.—And fifthly, that the continuance of these disabilities does not in the slightest degree promote the spreading of the Protestant faith.

With respect to the subject which has been most insisted upon in the course of this debate, I mean the Veto and all the topics connected with it, I shall think it prudent to make very few observations. This appears to me to be very delicate and very dangerous ground.—All the discussions, all the differences, all the strong speeches and strong resolutions, which have been come to upon this point, lead my mind to a conclusion very different from that which I find has been adopted by others.—I can see in them nothing but the most imperative reasons for the immediate adoption of the measure which we are at present discussing, and the strongest and most melancholy proofs of the impolicy of having so long delayed it.—If there was any part of the speech of the learned judge upon which I could feel disposed or venture to animadvert with any thing of asperity, it certainly would be that in which he seemed to affirm, that in his opinion the English Roman Catholics, in acceding to the safeguard of the veto, had done that which was inconsistent with the fundamental tenets of their religion.—If it had been his wish to encourage discord, if it had been his object to prevent conciliation and union, what more skilful conduct could he have pursued—what language could he have used better calculated to promote his end?—What can be more bitter, more galling and irritating to the feelings of the Roman Catholics, doubly galling and doubly bitter, as being a reproach from the mouth of a Protestant, than to be told, that by the very concessions they have made for the sake of conciliation, for the sake of quieting the alarm of the Church of England, they have sacrificed the doctrines of their own religion, and blemished their own faith.

Let us, Sir, upon the whole, place ourselves for a moment in the situation of Ireland.—Let us think with her mind, and feel with her feelings.—Let us recollect, that for us she has made great sacrifices—for us she has given up her national legislature, her acknowledged independence, all that is most dear to the feelings of a gallant, a generous, and a high spirited people.—Has she not a right to demand of us something of reciprocal concession, and shall we not have the generosity to make a sacrifice for Ireland, who has sacrificed so much for us?—Can we not prevail upon ourselves to yield up to her claims those feelings and opinions, the prevalence of which in this country is not to me a matter of surprise:—feelings and opinions formerly useful and praiseworthy, but even then pushed beyond both justice and necessity, but which have long since ceased to be either wise or reasonable.—Have we not liberality, have we not gratitude enough to do this for Ireland,—for Ireland, with whose fate our own is so inseparably united, with whom we are so closely and nearly connected, some of us by the ties of property, some of us by the dearer ties of blood and affinity, and all of us by our common laws, our common language, and the common cause of independence in which we are engaged.—What was in sense and reason the great and leading objection to the measure of the Union, a measure from which so many important benefits have arisen, and will continue to arise to both countries, and which may be considered as that act of Mr. Pitt's government, upon which, whatever may be the case at present, there will in future times exist the least difference of opinion.—But what was and still is the most forcible argument that can be urged against that measure? Why it is this,—that looking upon Ireland with all her advantages and all her resources; considering her fortunate commercial situation, her spacious and convenient harbours, the fertility of her soil, the increase of her population, and above all, the high spirit and quick feelings of her children, it was improbable that she would ever finally acquiesce in the arrangement, and tranquilly settle down into the situation in which she was placed by that measure.—Shall we not, then, do all we can to crown that work? Shall we not take every step to lessen the force of this reasoning, and to make its application improper? Shall we not adopt every means within our reach, to reconcile her to a situation which cannot but be galling to her pride, although I believe it to be conducive to her real interests, as well as to those of England.

For the advantage, or rather for the necessity of this measure to the general safety of the empire, if I am asked for arguments, I would only desire you to turn your eyes upon the affairs of the world.—Good God! Sir, what a spectacle does Europe present to the eye of any man who is in the slightest degree acquainted with her former history, with the relations that subsisted between the states of which she was then composed;—so many nations, once powerful in arms, flourishing in commerce, proud and fierce in the spirit of liberty and independence, now tranquil and silent, and to all appearance contented under the domination of France.—Soldiers of so many different countries, of different religions and different manners, officers of high military prowess and fame, provinces far divided from one another in situation and interest, all these jarring elements are forcibly moulded into one system, and made to act steadily and harmoniously for the furtherance of one design, and at the beck of one man ;—and he who sits at the head of this strange and formidable machine, however we may abhor his atrocities, it is impossible not to look upon his character with something of a superstitious awe and veneration.—His actions scarcely resemble those of human conquerors,—they may rather be compared to those great physical convulsions by which nature effects her changes over the face of the habitable globe; to an earthquake or a volcano, that raises hills and depresses vallies, that plants kingdoms here, and annihilates them there.——He is

> One of those great visitations of the earth,
> That on its alter'd face for ages leave
> The traces of their might.——

What have we, (circumscribed as we are in means and in dominion,) what have we to oppose to this enormous power, so united, and so directed ?—We have that which has in all ages, and which will again be found sufficient for the protection of those to whom it belongs ;—we have the spirit of liberty, we have the energy of the democracy of Great Britain, of that democracy, at the head of which, whatever faction may throw out to the contrary, still stand his Majesty and the royal family, still stand this, and the other House of parliament, and may still remain, if we will but adopt the easy means which are within our reach, of satisfaction and conciliation.

Sir, I have already said, that I am sensible that an opinion prevails in this country very adverse to that which I have been endeavouring to enforce.—I am sensible that I might better consult for my own popularity, by speaking a different language upon this subject; but in taking the side of the argument which I do, I am actuated by stronger selfish motives even than the love of popularity, to which I do not pretend to be insensible.—I verily believe, that in urging the arguments which I urge, I am speaking, not indeed for popularity, but for all that is dear to man ; for family, for property, for independence, for freedom from a foreign yoke, for my very existence in the situation in which I at present stand.—I have but one more observation to add ; I have, since their accession to power, for the most part acted in opposition to his Majesty's present ministers. I do not repent of that conduct. I think their foreign policy has been mistaken. I think their expeditions have been ill concerted. I think their commercial measures have been unwise. But all these may be defended—plausible arguments may be urged in defence of them all—doubts may be entertained upon every part of their conduct, except their policy towards Ireland—Ireland is the great cause, the root and foundation of my opposition.—My hostility to them is persevering, as it is because they hold their offices, pledged, I will not say, in hostility to that country, because I give them full credit for the fairness of their intentions and the sincerity of their opinions, but pledged not to adopt those measures, which are necessary for the conciliation of Ireland, and the consolidation of the empire.

Sir *W. Scott,* in answer to an observation from the last speaker, that according to him the indulgence prayed by the Catholics could upon no terms be granted, explained that he had not asserted or intended any such thing ; he had only maintained that the present proposition was hopeless and inadmissible ; it would be time enough to consider other propositions when they were offered to the legislature.

General *Mathew.* Sir ; in rising to express my opinion upon this great and vital question, for such I have always considered it, I must express my satisfaction that the discussion has been adjourned from a former night, in order that gentlemen may have the full opportunity of declaring their sentiments. When I came down to the House this night, I thought it would be unnecessary for me to trouble the House at any considerable length, after the able speeches of my right hon. friend (Mr. Grattan) who moved, and the hon. baronet (sir John Cox Hippisley) who seconded the motion ; for they have left but little for me or any one else to say on the subject. I do not, however, agree with them altogether on the subject of the Veto, which was proposed to be given to his Majesty, notwithstanding the many historical documents quoted on the occasion from Davis, Cox, Keating, and other historians who had written on the penal laws. But, Sir, the Petition from the Catholics of Ireland is not merely in a Catholic cause: It is also a Protestant cause; for nine-tenths of the Protestants of Ireland are favourable to it, and as anxious for the emancipation as the Catholics themselves, and I hope to prove to you, that it is a cause not only interesting to Ireland, but to England, to Europe, and to the world at large. Sir, it is now become a question, whether we shall continue to Ireland the same system of cruelty, tyranny, and the bayonet, by which we have oppressed her for the last 600 years, or by abandoning that system of cruelty and injustice, conciliate the affections and attachment of your Catholic fellow subjects. Sir, the question necessarily involves another, which is no less than this:—Whether the empire of Great Britain shall exist any longer great and independent, or share the fate of the other empires and kingdoms in Europe, and crouch at the feet of a conqueror?—a doom to which we must inevitably rush, if we suffer ourselves to be governed by those feeble and distracted councils which have so long prevailed,—and of which Ireland will be the first, and England the next victim. I do not scruple to say, that for 600 years, England has been the oppressor of Ireland; and if the same system of tyranny is pursued, I tell you there can be no doubt but you will lose that country. Sir, it is matter of astonishment to me that experience has not made some of those who govern mankind wiser; or that not only the evidence of all history, but of facts passing under their eyes, has no influence upon the policy of their councils. This remark has been no where more applicable than to those who have from time to time, and especially of late years, governed this country. There is not an English member in this House who must not know (that is to say, if he knows any thing about Ireland,—which I much doubt) that coercion and cruelty never yet did any good there;—that the system so fatally adopted in Ireland, has totally failed of its intended effect, and that those who were the advocates of such tyranny and cruelty might have easily perceived their error from its palpable consequences, and recommended a wiser system; a system of lenity and toleration, such as was recommended by my lord Verulam and Secretary Cecil, to the Irish viceroy Mountjoy, in the reign of Elizabeth; when, as it appears from the historical authority of Morrison, (and there is none higher or more authentic) that amongst other horrors, "The ditches were filled with poor people, men, women and children, some dead, some dying,—their mouths green with nettles, and other weeds they were forced to eat, in order to gratify the calls of hunger; even old women were hanged after their cottages were burned, for adhering to their opinions; and three famishing children were found in one place, feeding on the dead body of their mother, who had been murdered for her religion, and, in short, such cruelties were practised on the ill-fated Irish, as beggared all the horrors of the reign of Tiberius. When these things were represented to Queen Elizabeth, she said to Mountjoy, "It is you that have done all this mighty mischief: you ought to have been to your flock a shepherd; but you have been a wolf." She ordered Mountjoy to follow the councils of Verulam and Cecil, and to cease the shedding of blood. The system was accordingly changed, and that followed which might easily have been foreseen, a system of toleration and lenity was adopted, and tranquillity and happiness was restored.

Now, Sir, in spite of these examples, a system equally cruel and barbarous with that I have quoted, has occurred in Ireland within the present reign. Let it not be supposed that I am exaggerating while I state the cruelties exercised by this country towards Ireland, in the year 1798, for of that which I shall state, I was myself an eye witness. I saw in the city of Dublin and other parts of Ireland, scenes which will excite horror, even in the very recital, and what must they be to those who saw them?—what, indeed, to those who felt them?—I saw honest men dragged from their families and thrown into prisons, without proof or trial, in contempt of the 48th article of that boasted pillar of the constitution, Magna Charta, which provides, "That no person shall be imprisoned except by the judgment of his peers, or the law of the land." I did also see honest and industrious men seized by military force, stripped, and tied up to triangles or halberts, and contrary to all laws, human and divine, barbarously whipt, flogged, tortured, or half hanged, and infamously forced to confess crimes of which they were innocent, and which they confessed merely because unable to endure more pain: and this, in contempt and defiance of the Bill of Rights, which says, "No torture nor cruelty shall be exercised towards a British subject." I did see men, in hundreds, insulted beyond endurance, and lying in ditches in a dying state, after their houses had been burnt, and their little property reduced to ashes; their wives or sisters ravished before their faces, and some of their daughters, children of ten years of age, barbarously and inhumanly defiled by a rabble rout of English Fencibles and German mercenaries. All these horrors took place in Ireland in the year 1798, during the administration of that worst of all lord lieutenants, lord Camden. When his Majesty's first minister and adviser, Mr. Pitt, saw the effects of this diabolical system, he saw clearly that no good whatever could result from it; he gave the same advice to government which Verulam and Cecil gave to Mountjoy. The system of torture was abandoned, mercy was resumed, lord Camden was withdrawn, lord Cornwallis was sent in his place, conciliation was tried, and tranquillity instantly followed.

Happy the people were at this change for a while: happy they might have continued; but, shameful as it was, the amnesty was shortly afterwards broken by what was called the government party. (No! no! no! from the ministerial benches). I know, Sir, what I assert to be fact, and I am ready to prove it, notwithstanding the confident manner in which the contrary is asserted. And would any man wonder, after this, if the people of Ireland should be roused to revenge? Was there not cause enough for resentment and vengeance in the cold blooded murders of their fathers, mothers, and brothers? In the pollution and defilement of their wives, their sisters, and their daughters? And yet, notwithstanding the butchery of 40,000 of them in that year, the people of Ireland remained true to their allegiance. After this statement of facts, will any man in his senses come forward and tell us that such men are not to be trusted, and are unfit to be admitted to our glorious constitution? Is it not madness to refuse to four millions of his Majesty's loyal subjects, men, of whom one half of your army and navy are composed, men, without whom you cannot man that navy or recruit that army, men of such tried courage and dauntless intrepidity, who have every where faced your enemy with firmness unshaken, notwithstanding that enemy is of the same religion with themselves, the enjoyment of those privileges enjoyed by their countrymen of a different religion. I call upon you, therefore, in the name of God, and of my country, for the emancipation of these my brave and loyal countrymen! But if you refuse that, I must insist upon it that the Catholics of Ireland ought to be placed in the same situation in which they stood after the treaty of Limerick, which was signed by the lords justices in Ireland, and the English generals and Irish chieftains, and finally ratified by king William 3, by which the Catholics of Ireland were put into possession of all they held under king Charles 2, but which treaty was afterwards scandalously broken by a British parliament in the 4th year of that reign. I do demand on behalf of the Catholics of Ireland, that they be placed in the same situation with all other his Majesty's subjects: but if not, that they be at least placed in the same situation they stood after the treaty of Limerick. But I do say they ought to be put on the same footing with the rest of his Majesty's subjects, for nothing can surpass them, nothing is too much for their loyalty and their courage, and their attachment to you would be equal to that courage if you would only do them justice. I am convinced the salvation of this country depends upon it; and that the refusal must tend to the subversion of this empire. For, in case of an invasion, what have you to look to? You must know that so soon as that man, who has humbled the rest of continental Europe, shall have finished the conquest of Spain, he will have all the ports of Europe in his power, and especially those most favourable for the purpose of invading yours. He will have Ferrol, Vigo, Lerida, and other harbours wherein he can prepare and man his fleet, in spite of your blockading system. His fleets, it may be said, are insufficient; but he has enough for his purpose, and they may sail from ports so convenient to the Irish shores that no man can foretel the moment in which they may come upon you. I do not think you can be always secured against invasion by your fleet, and this is the opinion of many of your oldest and most experienced naval officers. Neither are you to be too confident of your strength, if the enemy should land in Ireland, when your conduct shall have disgusted and exasperated that people, and set them, as it were, in array against you. They have an immense population fit to take arms, and ready to be brought forward, as appears from the reports of the Secret Committee of the Irish parliament, and the state of things in that country, in the year 1798, when it was proved to the conviction of the government and the parliament, that Ireland was ready to bring into the field 300,000 fighting men equipped for service, that they could re-inforce that army, in six weeks, by a levy of 60,000 more; and that they never required from France, nor would they accept, though offered a greater auxiliary force than 10,000 men, and 40,000 stands of arms. What would, then, be the fate of this country in case of an invasion, with Ireland in hostility? I should like to know what there would be in such a case to hinder Ireland from falling under the yoke of France, or becoming an independent nation, closely in alliance with her. You would then see Irish force and Irish discontent united against you, and a large French fleet manned with Irish sailors, to dispute with you the sovereignty of the sea, (Some laughter from the treasury benches)—Aye! aye! —you may laugh; but the time may come when you will be sorry for it. You will see your error when too late; I hope I shall never see it. But by such a change Ireland would have every thing to gain, and nothing to lose. The Irish would form a government of their own. They would abolish penal laws: they would abolish tythes, and not pay one-fifth of the taxes they do at present. They would save to home expenditure the whole of those rents paid to the absentee proprietors of landed estates; a perpetual drain of the wealth of the country, no part of which ever returns to replenish its resources. They would get rid of 60 millions of your public debt. They would get rid of your establishment in church and state, and of your lord lieutenant, whose office ought to have been abolished at the Union, which would have saved to the country 180,000*l.* a year. This country never did, nor ever could suppose, the retention of Ireland practicable, if the people were unanimously determined to be free. And if by your oppression, they should be driven to a separation, you could never afterwards be able to subdue them; for you could never, at any one time, send 100,000 men into Ireland, deprived of the aid which Ireland gives in the recruiting your army; and what chance would you have even with such a force in the heart of the country, able to muster, at 48 hours notice, 300,000 men, and re-inforce them by 50,000 recruits per month, for six months. That country wants nothing from you;—it owes you nothing in point of gratitude. If they are ever driven to extremities, the fault will be in your oppression. In 48 hours they could effect their purpose. They could seize on your fortresses, and secure, as hostages, all the members of your government there. The practicability of all I have stated was proved before the Secret Committee of the Irish parliament—by four leading persons—you may call them traitors if you will; but nobody will accuse them of not knowing the resources of the country. I look for information to any quarter from whence it may come. I do believe that I know the situation of Ireland as well as any man in this country. I have in that country, and from that country, knowledge of certain matters which no other man in this House possesses but one, and he does not make use of his knowledge. For the last sixteen years I have made it my business to understand the affairs of Ireland; and I know what I say when I tell you they can bring into the field 300,000 men fit for military operation, and that they could in six weeks replace a loss of 60,000 of them; for this is a calculation deliberately made —a calculation which no man in this House, who has any information upon the subject, will think exaggerated. The country possesses upwards of five millions of inhabitants; that number I believe is within the bounds of the population. Now, taking one out of every fourteen is a moderate calculation to prove the possibility of raising such an army—for that one in ten may be raised, is proved by the conscription in France. There are two members in this House who gave an opinion upon this subject two years ago, an hon. member for Dublin, and an hon. member for Tavistock. Of their opinions I rate highly, although they afterwards, I think unfortunately, gave up their opinions to be misled by an English minister, who was himself misled, as to the existence of French influence in Ireland, when they voted for that obnoxious measure, the Irish Insurrection bill. But differing from them as I then did, I must say, that there are no two men in this House for whom I have a higher respect; and I hope they will now agree with me, that no such influence did then exist to warrant that obnoxious measure. But they do know the influence that does now exist in Ireland—

it is that of a powerful party, increasing and gaining strength every day—a party attached to the true interests of Ireland.—And, Sir, I hope, that the interests of Ireland will be considered by this House as the interests of this country. I hope that Irish interests are not only similar, but that they make up that which may be deemed one and the same: a bold, independent, and virtuous interest, that will maintain itself firmly; that will not submit to the separate domination of King, Lords, or Commons, but an interest that is determined, at all hazards, to stand or fall by the constitution.

As to what has been said respecting the coronation oath, I could refer the House to the speech of my right hon. friend when he opened this subject to the House on a former night; in which it was proved, to my perfect satisfaction, that the granting of the Catholic emancipation was not against the coronation oath, and that if the subject were fairly represented to the sovereign, he would think so himself. For that oath only binds the King to do nothing to endanger the Protestant religion. Now, I would ask, whether granting the claims of one part of his Majesty's subjects to be admitted to the enjoyment of that constitution they admire, and for the defence of which they have been at all times ready to shed their blood, can endanger the Protestant religion? No, Sir, that has never been the opinion of any enlightened politician in the present reign; and, on the contrary, we have the evidence of Mr. Pitt, Mr. Fox, and Mr. Burke, a triumvirate, the like to which this country never saw before, nor perhaps will ever see again, who all agreed that the grant of these claims to the Catholics would do no injury to the Protestant religion; but that the total emancipation of the Catholics would be of incalculable benefit to the British empire at large. But, Sir,—if there is any thing in the King's coronation oath that stands in the way of granting emancipation to the Catholics, I have no difficulty in saying, that I would go as far as to repeal that oath and frame a new one, more compatible with men's minds in the present day. That oath was framed in the time of William and Mary; and if the parliament of that day felt no scruple to form a new coronation oath suitable to the times, and for the good of this country, I see nothing objectionable in doing so at this enlightened day, and framing a coronation oath more suitable to existing circumstances; and far am I from thinking that if the matter were fairly represented to our gracious Sovereign the object I have in view might not as well be effected without it.

Now with respect to the Veto, or negative, which it was at one time proposed to give his Majesty in the appointment of Catholic Bishops, I must say, that although, perhaps, I do not agree with what has been said, yet, after all that I have read and heard, and thought, I do not feel myself competent to form a decisive judgment upon that branch of the subject; yet I have not on that account any difficulty, because I defer to others; and indeed had I an opinion against the Catholics, I should not insist upon it, because in a matter of religious doctrine, I do not think my judgment considerable enough to put it in competition with that of four millions of people, who know their own interests and the principles of their own faith infinitely better than I can pretend to do,—better, I will venture to affirm, than any individual can do. But I am so far prepared to state, that at a very respectable meeting of the Catholic clergy which took place on the 31st of March last in the county of Tipperary, they came to resolutions decidedly in favour of the domestic appointment of their bishops. (Here the hon. member read the Resolutions.) Now, Sir, so far as these resolutions go, you see they are entirely favourable to the domestic arrangement, to which I own I cannot see any possible objection; but that is a point on which, as I before said, whether right or wrong, I am not competent to decide against the sentiment of four millions of my countrymen, who know their own faith and consciences better than any individual can tell them. They have decided that point for themselves, and whatever they decide I shall always suppport, and give my unqualified vote for Catholic emancipation, whether they allow the Veto to the Sovereign or not.

It becomes me now, Sir, to thank the House for the attention with which it has been pleased to honour me; and I will only add, that I do most earnestly implore this House to look steadily at the affairs of Ireland, at the condition of that country—at the temper of its people. Here the House will be able to form some idea of its true interests, and that it will consider these interests united and the same with those of this country. Then will this House see the policy of giving up the system of coercion and terror, most unwisely adopted as the system of government in that country, and adopt one of toleration and mildness, such as Mountjoy was induced to do in the reign of Elizabeth by the wise councils of lord Verulam and secretary Cecil. Such a system was recommended to the government of that country by the demi-god Mr. Pitt. For if the government of Ireland be conducted on principles of mildness, and the Catholics have complete emancipation, the British empire may bid a proud defiance to the efforts of the world, for it will be in every part invulnerable. But if not: if the old system of penal intolerance and coercion be fatally pursued, then it is my duty to tell you, as one who knows Ireland better than most of you, that Ireland will be lost to you, and finally the British empire will sink to ruin.

Lord *Jocelyn.*—Sir, I am extremely unwilling to obtrude my sentiments on the House on a subject so often discussed, and with so much difference of opinion, as renders the duty I assume difficult. I feel, Sir, that the subject is undoubtedly one of vast importance to the British empire as well as to Ireland; and one upon which it is extremely critical to decide. I lament that I should have the misfortune to differ in opinion from the gallant general who has just spoken, because I am sure we both have the same object in view, namely, the welfare and security of the empire, although we differ totally as to the means of effecting a purpose so desirable. I differ also from the learned judge who opened the discussion this night, inasmuch as I think no danger could arise to the Protestant church and establishment, in conceding to the claims of the Catholics, provided the measure be accompanied with certain restrictions, without which the Catholics should not be allowed to enjoy the share of power and political influence which the measure would certainly confer. But much as I wish for the tranquillity and unanimity of my countrymen, and highly as I respect many individuals of the Catholic persuasion, as men of the highest integrity, loyalty, and personal worth, yet when I call to mind the late resolutions formed by the Catholic committee at Dublin, to resist all interference on the part of the crown in the appointment of their bishops, I cannot contemplate the opposition of that committee, without some apprehension of that dangerous alternative, the influence of France. For unless the King has a Veto in the appointment of Catholic prelates within his dominions, I see no possibility of ceding the claims of the Catholics; and such is my firm conviction upon this subject, that unless the Catholics come forward, not individually, but in their whole body, and allow the Veto, I would never allow to them the grant which they seek, conscious that it would open a dangerous access for the influence of France. This is a point which I consider indispensable, and which ought to be settled before I can go into any committee on the subject.

But, Sir, I feel persuaded, that if it were this moment practicable or politic to grant the claims of the Catholics, no great alteration in the minds or happiness of the people would thereby be effected within a short time: nor would that content and tranquillity so suddenly follow, which gentlemen have so fondly predicted. There is another, and in my mind, a much stronger cause of discontent in the people of Ireland, than any thing which belongs to the Catholic claims. An injury of much greater weight than any thing of which the Catholic community have to complain, exists in the perpetual absence of those noblemen and gentlemen owners of great landed estates in Ireland, who perpetually reside in this country, spending those revenues which are drawn from the industry of their tenants, no part of which ever reverts to replenish the sources from which they flow.—This, Sir, is the true cause of the discontents which agitate Ireland; and unless some check be put to the further progress of this growing evil; unless the absentee owners of great estates in Ireland will condescend to visit, to view, and to consider the situation of that country; to reside occasionally amongst those tenantry whose industry furnishes the means of their own luxury and splendor; unless by a frequent appearance and occasional residence amongst them they patronize and encourage their industry, inspire them with confidence, and by their example, influence their manners and morals, and teach them a due submission to the laws, it will be in vain to look for tranquillity or contentment in Ireland; no Catholic emancipation will ever effect it. No effectual remedy can or will be found until some barrier is thrown up to check that destructive emigration of the land owners of Ireland, which, up to the point at which I am speaking, continues to desolate the country, and increase the discontents of its resident population. Sir, every man who has of late years travelled over that country, must have marked the contrast on the very face of it, between the high state of cultivation, improvement and tranquillity which reigns in the estates of the resident landholders, and the wretched appearance of those estates where the owners are absentees, and their tenants are delivered over to the disposal of mercenary agents. Sir, until this evil be effectually checked, and until the absentee lords of the Irish soil shall see their own interest, and reflect on the necessity of visiting their estates, and cheering by their presence, cherishing by their encouragement, and instructing by their example those now neglected tenants from whom their wealth is drawn, and by spending amongst them in their establishments some portion of those revenues derived from their labours, it will be in vain to look for tranquillity or popular content in Ireland:—on the contrary, I fear the same poverty, wretchedness, discontent, and desolation every where visible on the estate of the absentee, must continue to afflict the sight of every tender-hearted man who contemplates the condition of the great mass of the people in that country. Until some remedy can be applied to those evils, and I know of none other but that which I have recommended, it will be in vain to go into any committee of inquiry upon petitions coming from any portion of the Irish people, complaining of grievances merely speculative and ideal in comparison of those I have stated, and which have nothing to do with the true sources of discontent. I shall therefore oppose the motion.

Mr. *Robert Shaw* (Dublin.) Sir, I shall not trespass long upon the time of the House, but I cannot content myself in giving a silent vote upon this question, and I am anxious to state the motives which influence me in the vote I shall give. I can assure the House and the country they do not arise from any hostility towards the Catholics in Ireland;—towards that great and respectable body of my fellow subjects I never felt, nor do I now feel, any sentiments of intolerance. That they possess all that loyalty and attachment which they profess to the King and constitution, I firmly believe. I sincerely wish them all the advantages of that constitution, consistent with the real security of the constitution itself; but I regret extremely, that while they demand concession from us, they are themselves so slow in conceding those securities which we think indispensable, and which even their best friends and ablest advocates in this House think necessary. I perfectly agree with my right hon. colleague, that it will be a happy day for Ireland, when so desirable an end can be accomplished. But mutual concession would be the best pledge of mutual conciliation, and this is the only medium through which so great a purpose can be accomplished. But if any of us believe, that without such security the constitution would be in danger, I ask, can any liberal Catholic blame us for requiring the security in the first instance? Let the Catholics then give the security, which even their warmest friends wish, and there is not a liberal Protestant in Ireland who will not rejoice in the opportunity of being enabled to admit his countrymen of every religious persuasion to the full benefits of the constitution. All we desire of the Catholic is, that he will enable us to grant what he asks. This is what we require, and all require. I know the value of conciliation: but to be sincere, it must be reciprocal. Until that point be satisfactorily adjusted, I see no use in going into a committee. But, Sir, when that spirit of conciliation, which is evidently gaining ground in this House, and in both countries, has worked a little more, such is my confidence in the good sense of the Catholic portion of my countrymen, that I have no doubt they will in due time see their own interest, and come forward to give that security which alone can justify this House in complying with the prayer of their petition, and which their ardent and warmest friends think they should not refuse.

Mr. Secretary *Ryder* said that it would not have been his wish to have risen at that period of the debate, if those who had preceded him had not taken a view of the whole subject far more extensive than appeared to him to be necessary, in order to enable the House to decide upon the question before them. That extensive and enlarged discussion he should not decline whenever the occasion required it: but at the present moment, and under the circumstances in which it was brought forward he could not but think the prolongation of such a discussion, upon the general merits of the question, both ill-timed and unnecessary.

It was useless to dwell upon those arguments by which motions similar to that now upon the table had been successfully resisted, not because those arguments had lost any of their force since they were last advanced in that House, not because the grounds on which those arguments rested were less strong, less powerful, and less convincing than they were at any former period, but because, even in the view of those upon whom those arguments had had no weight on former occasions, of those who had, on the contrary, condemned the conduct of that large majority in both Houses of parliament who were influenced by, and acted upon those arguments, of those who had been considered, both in parliament and in the country, as the greatest champions of the Catholic claims, even in the view of those persons new difficulties had occurred, unexpected embarrassments had arisen to clog the discussion of any of the measures connected with the Catholic petition. These difficulties and embarrassments were of so grave and serious a nature, arising too from the Catholic body themselves, as to lead the noble lord (lord Grenville) who had boasted of being selected to bring forward their claims, to decline doing so again, and to declare his conviction that the difficulty of originating at this time, and under such circumstances, any fresh discussion respecting this measure almost insuperable.

The period when these declarations were made by lord Grenville was not an unimportant consideration;—they were published at the eve of the meeting of parliament—at a time when the expectation of a change of administration was entertained by the political supporters of the noble lord, who were not slow in proclaiming their hopes, that he would shortly be placed at the head of the government of the country.

The sentiments, therefore, contained in lord Grenville's celebrated letter to lord Fingal, must be considered not merely as those of a person of high literary attainments, of acknowledged ability, and holding a great station in this country; but as the political creed of the party who acknowledge that noble lord for their head, and opportunities had been taken by some of the most distinguished political friends of that noble lord, to express their entire concurrence in his opinions.

Without meaning to subscribe to all the opinions contained in that letter, Mr. Ryder said he most cordially concurred in the result. And he must express his surprise that neither the right hon. gent. who brought forward the motion, nor any of those who had followed him on the same side, had adverted to that letter, or attempted to explain the singular circumstances which had occurred since this question was last brought forward, or to account for their adopting a different line of conduct from that of those with whom they were in the habit of agreeing, upon all political questions, and upon none more closely than those connected with the Catholic petition.

The House could not have forgotten that when this question was brought forward two years ago, it was recommended to the attention of parliament, both here and elsewhere, upon the express and specific grounds, that they knew there was a disposition on the part of the Catholics to allow the crown a negative in the nomination of their Roman Catholic bishops, and the right hon. gent. opposite (Mr. Ponsonby) upon being asked on what authority he made that assertion, stated it to be upon the authority of doctor Milner, a Roman Catholic bishop, and the accredited agent of the Irish Roman Catholics in this country, who spoke in the name and by the authority of the Roman Catholics.—And in another place, similar assertions were made from the same, at that time, unquestionable authority.

What followed? Not many months after this discussion in Parliament, in the month of September, 1808, the Roman Catholic bishops held a meeting in Ireland, at which all but two of their number attended, and came to the resolution to deny to the crown all interference, direct or indirect, in the choice of the Roman Catholic bishops; and we found in various publications about the same period, one signed Milner, expressly denying that he ever gave such authority, and affirming that he would rather shed the last drop of his blood than consent that any non-catholic prince should have the power of interposing, in any manner, in the election of their bishops;—that is, that he would rather shed the last drop of his blood than consent to the proposal made by the right hon. gent. in his name, and by his authority.—A proposal which it appears was made in his hearing, both in this and the other House of Parliament, and for which, while the impression was fresh in his recollection, he made, as lord Grenville has informed the public, in his pamphlet, the most gratifying acknowledgments.

Whether Dr. Milner did not himself understand the nature and extent of the proposition made to parliament in his name, and by his authority, or whether the persons who made it misunderstood the nature and extent of the proposition which they were authorized to make on the part of the Roman Catholics, was as yet unexplained. The only point clear and indisputable was, that between both, and by this unaccountable misunderstanding, parliament and the public were misled and deceived into a belief that there did exist a temper and disposition on the part of the Catholics the very reverse of that which they state themselves to have entertained.

Who was to blame for this imposition upon parliament and the country, is as yet a mystery.—Mr. Ryder said that it would be inconsistent with parliamentary usage, and not less foreign from his intention, to impute any motives to the right hon. gentlemen opposite which they might wish to disavow.—But he must be permitted to lament that before they made those declarations professed to be made for the purpose of recommending the Catholic claims to the favourable consideration of parliament, they had not taken more pains to be assured that the agent, upon whose authority they relied, was himself authorized to make them, on the part of those, without whose concurrence the proposition could not be carried into effect, and that the proposition itself was that which they had the authority of the agent to propose.

If they were themselves deceived, and in consequence of the delusion practised upon them, had been the innocent means of imposing upon parliament and the country, upon this most important subject, it would have been but natural to expect, that as soon as they were themselves undeceived, as soon as they knew the real opinion of Dr. Milner, as soon as they were apprised of the decision of the Catholic bishops, they would have taken the earliest opportunity of explaining the whole of this most extraordinary transaction.

If such an explanation was not due to themselves, and for the sake of their own character, it was at least due to the public, who had been deceived by their representations, and he hoped the time was at length arrived when it would be afforded.

But whatever explanation that proceeding might receive, he saw reason to congratulate the House that they had not followed the advice, or acted upon the opinions so frequently advanced on former occasions by the noble lord and the right hon. gent., that the grant of the Catholic claims was not only the most efficacious, but the most easy of all remedies for all the evils and dangers of the times. Not only infallible, but so much within reach, that parliament and government had nothing to do but to stretch forth their hand and to speak a single word in order to obtain the full and instant benefits of its operation.

What would have been the consequence if their advice had been adopted?—No sooner had you agreed to the important step of going into a Committee for the purpose of taking the Catholic claims into consideration, no sooner had you consented to raise and excite all the hopes which the appointment of such a Committee must have created and encouraged, than you would have been stopped short in the consideration of all the important questions connected with this great subject, by finding that the Catholics themselves absolutely refused to grant to the crown a degree of negative authority, which their warmest advocates held to be indispensable.

The agitation of such a question could not be a matter of indifference. It was not a prudent or a wise policy, it was not even fair to those whose interests were concerned, to consent to a Committee for the purpose of taking their claims into consideration, unless you have rational grounds for the belief that the result would terminate favourably for their objects.—However widely he had already differed, or might hereafter differ, from the noble lord (to whom he had so often had occasion to allude) upon other points connected with this great question, yet the reasoning of the noble lord, as applied to the question upon which the House had this night to decide, appeared to him so unanswerable, that he could not urge any arguments against the adoption of the motion of the right hon. gent. (Mr. Grattan), more conclusive than those which had been advanced by the noble lord himself, and which, as coming from that noble lord might have an influence which he (Mr. Ryder) could not expect, to obtain for any reasoning of his own. The noble lord states that the prayer of the Roman Catholic petition was not a single or unconnected measure—that its objects are the peace and happiness of Ireland, and the union of the empire in affection as well as in government, yet that the hope of accomplishing such purposes solely by the repeal of a few partial disqualifications was vain.—That with the just and salutary extension of the civil rights of the Roman Catholics, must be combined other extensive and complicated arrangements, that all due provision must be made for the inviolable maintenance of the religion and civil establishment of this united kingdom: much must be done for mutual conciliation, much for common safety, many contending interests must be reconciled, many jealousies allayed, many long-cherished and mutually destructive prejudices eradicated.—The noble lord proceeds to state that amongst those measures was the proposal of vesting in the crown an effectual negative in the appointment of the Roman Catholic bishops,—that that suggestion had previously been brought forward to meet the just expectations, not of any bigoted or interested champions of intolerance, but of men of the purest intentions and the most enlightened judgment—men willing to do all justice to the loyalty of the present Roman Catholic bishops, but not unreasonably alarmed at any possibility by which functions of such extensive influence might hereafter be connected with a foreign interest, hostile to the tranquillity of the country. A danger recently very much increased by the captivity and deposal of the head of the Roman Catholic church, by the seizure of his dominions, and by the declared intention of that hostile government, to assume in future the exclusive nomination of his successors. That he had learnt with heartfelt regret, the subsequent proceedings which took place in Ireland in consequence of this suggestion; and the practical result of the whole, in the opinion of the noble lord, was that which he (Mr. Ryder) had already had occasion to quote, namely, that circumstanced as the question now was in England and in Ireland, no motion, grounded on the Roman Catholic petition, could at this time, in any hands, be brought forward, without a great and permanent disadvantage to its object.

He had no fears of public danger from the disappointment of the Catholic hopes, if indeed such hopes could be seriously entertained at the present moment. He had a much higher opinion of the loyalty and good sense of the Catholic body than their friends in that House professed. But impressed, as he was, with the conviction lord Grenville had expressed, he for one could not agree to agitate the question, or to trifle and sport with the feelings of a large body of his fellow-subjects, by consenting to a measure calculated to encourage hopes, when he knew at the time he was called upon to consent to it, that those hopes, even in the opinion of the most zealous advocates of the Catholic claims, could not be safely realized.

Lord *Dursley*.—I am totally unaccustomed to public speaking, but I hope the House will indulge me in a few short words, as I cannot think of giving a silent vote on this occasion. I have just returned, after having thoroughly canvassed the very numerous Protestant freeholders of an extensive, populous, wealthy, and respectable county; and I have authority to declare their anxious wishes that their Catholic fellow-subjects should share in common with them the same rights, privileges, and immunities of British subjects.

Mr. *Ponsonby* then rose, and spoke to the following effect: 'I hope, as a right hon. gent. (Mr. Ryder) has called upon me to give some account of my conduct and proceedings in this House, on a former occasion, that the House will have the goodness to hear patiently, what would under other circumstances be little deserving of notice, namely, my explanation of the particular grounds of my own conduct.—The right hon. gent. has said, that I had on that occasion stated to the House, that the accredited agent of the Catholic bishops of Ireland had authorised me to make a specific proposal to this House, in their names. Now, the right hon. gent. must be greatly mistaken, because he is perfectly incorrect in that statement. I never stated any such thing. I stated, I had every reason to believe, that the Catholic bishops and clergy of Ireland, and the Catholics generally, were disposed to give to the crown an effectual negative on the nomination of the bishops, if in return for that, the House and the other branches of the legislature would be disposed to give to the Catholics of Ireland a full participation of all the privileges and benefits of the constitution: and when I was asked for my authority, by the hon. member for Cambridgeshire (Mr. Yorke,) it will be remembered, I answered, that my authority was Dr. Milner. And now I will state to the House what were the vouchers then in my possession, which enabled and authorised me to give that answer. The right hon. gent. has also ventured to say that, when the Catholic claims have been enforced, I have always remained silent; and he wonders that I should have remained so. The right hon. gent.'s wonder however will never be a motive of conduct with me. He may wonder if he pleases; but I shall regulate my conduct by my own feelings and my own judgment, and I trust in such a manner that the House shall think it not unworthy its approbation. I did not, upon what was called the first question, think it necessary or fitting for me to speak. I thought it more proper as well as more becoming in me to reserve what I had to say, till the discussion came fully before the House; and I was disposed to bear any load of calumny, rather than prematurely or unnecessarily occupy the time of the House, until the fit and proper occasion should occur, of expressing my sentiments. Having been, as was well known, for a great many years of my life, a sincere and uniform supporter of the Catholic claims, when lord Fingal came over, two years ago, the sole delegate of the Catholics of Ireland, he was pleased to enter into much confidential conversation with me upon the subject of their claims. I told him, that I had observed, in all the intercourse I had had with others upon this important subject, that nothing weighed so much and seemed to have such an operation, upon the minds of the gentlemen of this country, as the notion, that the Catholics of Ireland were under the controul, and subject to the jurisdiction of a foreign potentate, and I stated, that I understood some communication had formerly taken place between the Catholic bishops and Catholic clergy and the Irish government on that subject; but that I did not know what was the nature of it; for the noble lord, on the other side of the House (lord Castlereagh) is aware, that to his administration no man was more opposed, than myself; and that therefore what was passing under his administration, was the less likely to be known to me. Lord Fingal said, he thought so too: but added that he believed there would not be much difficulty upon the subject; for that, in 1799, the Catholic bishops had made a proposal to the Irish government with a view to obviate that objection, and that they now entertained the same opinion they then entertained.—I asked lord Fingal, if I had his permission to state such proposal to the House at that time? He said certainly; but he added that the Irish bishops had selected in this country one of the Catholic bishops who was their agent, and that I had better see him—I said he was unknown to me, but that if lord Fingal would introduce him to me, I should be glad to have some conversation with him.—A day or two after I received a note from lord Fingal, stating that Dr. Milner was in Warwickshire and would write to me.—Some time then elapsed without my hearing farther on the subject, but before the 3d of May, lord Fingal wrote to say, that Dr. Milner was in London, and that he and Dr. Milner would wait upon me the next day. My answer to his letter appointed the particular time, and accordingly the next day they came to me—the conversation lasted some hours—two or three hours at least; there was a great deal of conversation on the occasion relating to the Catholics, but particularly with regard to the nomination of the Catholic bishops, and the negative proposed to be given to the crown upon such nomination. After this conversation had taken place, lord Fingal and Dr. Milner withdrew, and most certainly when they withdrew, nothing had passed in writing which could have been produced as an authority for the proposition I advanced; and if it had not been for an event which afterwards took place, I should not have any thing more to shew for the truth of what I have stated to the House, than my own word, and the confirmation of lord Fingal; but the day after this conversation had passed, Dr. Milner called at my house again and left there a card and letter, which, with the permission of the House I will read—(hear! hear! read, read!)—the card had on one side Dr. Milner, Bloomsbury, and on the other these remarks:

1. Protestant succession clause in oath of defence bill.

2. Attending established service.

Service by articles of war.

3. Catholic catechism—Thomas Paine's works.

4. Nomination to Catholic prelacies.

This card was accompanied by the letter I have in my hand, and in reading this letter, I shall be obliged to state passages which are extremely favourable to my argument; but the House will feel that I am called upon in my own vindication to make a public statement of them. The letter is to this effect:

"Dr. Milner presents his respectful compliments to Mr. Ponsonby, and takes the liberty of stating distinctly in writing, the substance of what he did say, or meant to say; in the conversation which he had the honour of holding with Mr. Ponsonby. First, the Catholic prelates of Ireland are willing to give a direct negative power to his Majesty's government, with respect to the nomination to their titular bishoprics, in such manner, that, when they have among themselves resolved who is the fittest person for the vacant see, they will transmit his name to his Majesty's ministers, and if the latter should object to that name, they will transmit another and another, until a name is presented to which no objection is made; and (which is never likely to be the case) should the pope refuse to give those essentially necessary spiritual powers of which he is the depository, to the person so presented by the Catholic bishops, and so approved of by government, they will continue to present the names till one occurs which is agreeable to both parties, namely the crown and the apostolic see. It is to be observed, however—1. That the crown does not interfere with the concerns of any other religious sect, or church, which it does not support—2. That the nominators in this business, namely, the Catholic bishops, have universally sworn allegiance to his Majesty.—3. That they will moreover engage to nominate no person who has not taken the oath in question.

"2dly, It appears that the clause concerning the Protestant succession does not occur in the oath of the Defence Bill, but it would be highly gratifying to the consciences of the Catholic bishops and clergy, and a great proportion of the laity, (should an opportunity occur,) if any friend of theirs would distinctly state, in what sense they understood that clause, in the oath appointed for them to take, particularly in that of 1791, viz. as a penalty, which must for ever remain upon them, and to which they submit with all humility, not as an engagement which they take upon themselves, in such sort that they would be obliged to take up arms against his Majesty if he were to go to mass. They conceive themselves justified in understanding the clause in this sense, by the most positive assurances, that such was the meaning of the legislature which were given them in 1791, by bishop Horsley and other distinguished senators, who managed the bill in parliament.

"3dly. The practice of forcing Catholic soldiers and sailors to attend the established service of the church of England, and every where else, except in Ireland, is a religious grievance and oppression, which is deeply felt by all Catholics, particularly by the subjects of this intolerance.

"4thly. Mr. P. was so good as to say that he would disclaim, in the name of the Catholics of Ireland, the civil and religious code of Thomas Paine, which they have been accused in the newspapers at least of teaching and holding.

"Dr. Milner has not, of course, had an opportunity yet of consulting with the Catholic prelates of Ireland on the important subject of the Catholic presentations; but he has every reason to believe that they will cheerfully subscribe to the plan traced out in the first page of this note."

It will be observed, that the first page of the note contains the plan of election and nomination, with an unlimited veto in the crown. When I stated that the Catholic bishops entertained the same opinion they did in 1799, and was called upon for my authority: all I said was, that Dr. Milner was my authority for that statement. I have read his letter to this House, and it will be for the House to say whether such my statement was correct. I recollect that the next day the member for Cambridgeshire desired to see my authority, when I shewed it to him; and also to the hon. member for Yorkshire. And I remember their observations were, not that I had overstated its contents, but that it would have authorised me to have gone much further. At the conversation which had previously taken place as well as at the debate on the subject in this House, there was present not only Dr. Milner, but lord Fingal. I recollect too that, when I went out into the lobby, the first person I met was lord Fingal, and he thanked me for what I had done. I said, 'I hoped I had not gone too far?' He said 'No; you are quite exact; perfectly correct.' And lord Fingal has, on some other occasions, confirmed as a man of truth and honour ought to have done, what I had stated upon that occasion. I believe about a day or two after the debate, Dr. Milner called upon me, and told me he had been much found fault with by persons of his persuasion, for what I had said; and that it would be necessary for him to publish something to justify himself. He stated that it was apprehended, that if this negative or veto were given to the crown, it would make the King the head of the Catholic Church. I told him I had never mentioned any such thing. I told him that if the veto was given to the crown, the most timid Protestant would be satisfied, that all temperate persons were willing to acknowledge the right of the Catholic clergy to exercise their episcopal functions; that with respect to their morality and good conduct, in civil life as subjects, I was satisfied the King was head of the Catholic church, but as to matters of faith it was impossible to require that he should be considered as head of the church in that point of view; for it would be to arrogate the right of having all matters of faith determined by the King; when, by the devolution of Christ himself, it was given to the bishops. Dr. Milner said that was true, but that I had been much misunderstood, and again informed me of the displeasure some had taken at the idea of an unqualified and unlimited veto, proposing at the same time that I should sanction a paper to be circulated, limiting the veto, and confining it to one, two, or more persons only. Upon this I told Dr. Milner what was perfectly true, that the veto was not intended to give the crown a direct nomination of the Catholic bishops, that it could not be in wiser hands than those bishops themselves; that I never understood it was meant to be otherwise: that the veto was only given to satisfy the Protestant community upon the subject of foreign nomination; but I said, if you retract what has been already stated, and if you attempt to limit the veto, I fear it will have an extremely bad influence upon your cause; it will look as if you wished to retract the condition upon which you engaged to accept the grant of your claims. I said to him also, if the crown were to be limited in its veto, as to the number of persons who may be proposed, those persons who are unfit, for causes known to the crown or to its ministers would be rejected, and then some others who might possibly be unfit by reason of other causes not known to the crown would be proposed, and the crown by the effect of such limited veto will be obliged to accept them. I authorised Dr. Milner expressly to say that I never did think the veto ought to be granted for any other purpose than what I have stated, but I never authorised him to say, that I should approve of a disclaim of the veto. Lord Fingal and Dr. Milner both said they thought that this would be satisfactory, and thence I was taught to believe it would be so. I concluded most certainly that they had reason to believe it would be satisfactory.

It is rather a remarkable circumstance, that though Dr. Milner had said that the reports in the newspapers had in their statement of what fell from me gone much further than what I had said myself, and that some of the writers of those reports had acknowledged that the statements went further than my language would justify, yet it is remarkable, I say, that I received two letters thanking me for what I was supposed to have said on the subject. One is from an archbishop, he thanks me in this way: (Here the hon. member read the letter of the archbishop to whom he alluded; it contained the most unqualified approbation of the arguments and observations which had been used by the right hon. member in the debate as reported in the public papers.) The other letter, which was also from a Catholic prelate, thanked me only in general terms. I say, therefore, it is not at all surprising that lord Fingal himself should have thanked me for what I stated in the course of the debate, and should have added, that there was nothing offensive, incorrect, or unauthorised in my statement; when you find that immediately afterwards I received the thanks of two Catholic prelates both acknowledging that there was nothing offensive in what I did advance, but that, on the contrary, it was perfectly correct, and consistent with the opinions and sentiments of the Catholics themselves. Why the Catholic prelates should afterwards have departed from what Dr. Milner and lord Fingal thought they were authorised to concede on the subject, I do not pretend to know. I was even assured that a few days before the meeting, which took place with a view to a resolution that it was not expedient that the crown should have the unlimited veto on the nomination of the Catholic bishops, it was thought the meeting would come to a contrary conclusion; but in the course of the month I did see a publication upon the subject, signed J. Milner.—(The right hon. member read several passages from this publication, and also the report of his own speech from a newspaper—he then read a letter which he had sent to Dr. Milner, in consequence of such publication.) I received an answer from Dr. Milner upon the subject, explaining to me his sentiments; but that letter I do not choose to read, because it may be considered as containing matter rather of a private nature. The letter I have read is on the contrary, a formal instruction to me with respect to what I was to say; and it was written with a view of stating what Dr. Milner had said, or meant to say, in the course of the conversation to which I have referred. That being a public letter, there could be nothing improper on my part in mentioning it. The answer to my letter is not precisely of the same description; and therefore I do not think I am at liberty to read it to the House. Such has been the nature of the instructions I received from Dr. Milner. I had no other conversation with him, than what I have stated, upon the subject of Catholic representation, except the one to which I have also referred, with lord Fingal, after the debate. The letter making intelligible to me, what I was to say, was delivered to me the day before the debate. I have since read, with considerable surprise, another publication of Dr. Milner, written evidently for the purpose of meeting my hon. friend's motion. (The right hon. member read a long passage from this second work of Dr. Milner, in which it was inferred, that the arrangement was incompatible with the security of the Catholic religion, and that Mr. Ponsonby had acted without having sufficient authority.) I never conceived myself immovably fixed, and I never stated any arrangement but his own. If it is incompatible with the safety of the Catholic religion, he is answerable and not I; and I really think, that a bishop of the Catholic church ought to have been as good a judge of the question as I could possibly be.—(The right hon. member here read another passage from Dr. Milner's publication, referring to the arrangements made by the heads of the Catholics.)

By what means he knows what the arrangements are, in the minds of those he calls the heads of the Catholics, I am at a loss to determine; for I have never had any intercourse with him upon the subject; and I must say, that Dr. Milner would be the last man in the community to whom I should wish to communicate any opinion upon any subject, and much less upon such a one as this.—(The right hon. member then read several paragraphs from another part of the book, in which the Doctor expressed a belief, that the Catholic religion was an object of unreasonable prejudice on the part of the Protestants.) It is thus that Dr. Milner is pleased to represent all those persons who for twenty years have supported the cause of the Catholics with unceasing fidelity; when he desires the Catholics to believe that their religion is an object of unreasonable prejudice upon the part of the Protestants. There are several other passages in this book, which are equally applicable to the question, but I think it would be tiresome to read them to the House. I have read thus much of them in consequence of Dr. Milner having stated that he would rather lose his life than give to the crown that Veto which he had before authorised me to state that the Catholics were willing to give; and because he professes to state the opinions of the Catholics, with as much confidence as if he was really informed what they were.

Having, Sir, said thus much upon this point, I hope and trust I shall stand acquitted before this House of having rashly advanced any proposition on this subject, without sufficient authority. I hope I shall be acquitted of having outstepped the authority given me, or of having stated in an imperfect or exaggerated manner the nature of the Veto to which the Irish Catholics were inclined to submit. With regard to the Veto itself, and my conduct with respect to it, I must say that it was regulated according to the opinions of others. I had never, either in the Irish parliament or here mentioned the subject. The noble lord over the way (Castlereagh) witnessed one or two motions which were made in the Irish parliament, and must be sensible that they never pointed to any such proposition. But, Sir, the state of the world, but more particularly of Europe, is materially changed now from what it was then. Formerly the pope was an independent prince: he had an independent state and temporal sovereignty guaranteed to him by the other princes and powers of the continent. Their jealousies of each other formed the basis of his power and stability. It was the interest of all the princes of continental Europe that the power of the pope should be exerted over the whole of their respective dominions. Catholic Christendom was, necessarily, a kind of religious republic, and every state had a separate and particular interest in maintaining the authority of the pope, as the head of the catholic church, and in supporting his ascendancy. But, Sir, in consequence of that great and extraordinary event in the history of nations, the French revolution, the pope became little more than a tributary sovereign, a power altogether depending, for its political existence, upon France. And two years ago it was well known, that the emperor of the French had it in prospect and in serious contemplation to have associated in the papacy Cardinal Fesch, and in that case, and if such an event had taken place, it is manifest that the real power of the pope would have resided in the coadjutor of the pope, namely, the cardinal nominated by the French government. It is however, perfectly well known, that the pope and the cardinals resisted this proposition on the part of the emperor of France, with undaunted courage and inflexible firmness and integrity. It is well known what the pope's answer was upon that occasion. His answer was, that it was possible the emperor of the French would put him to death, but that such an association of the papal power and authority as was required of him, was contrary to his conscience, and he would not submit to it, be the consequence what it might. The proposition, therefore, failed of success; but I firmly believe, the expulsion of the pope from Rome was greatly accelerated, if not altogether occasioned, by his refusal to comply with the wishes of the French emperor. The pope, however, having been driven from Rome, every one must admit that he is to all intents and purposes to be considered as a French subject. I do not say that he is in his will, and still less in his mind, a subject of France; but I say, that as far as his temporal interest is concerned, he is absolutely in the power, and under the controul of the emperor of the French.

In the present state of things, consequently the authority of the pope is considerably lessened, even compared with what it was two years ago. At that time he possessed at least a nominal sovereignty, but at the present day the emperor of the French has absolutely deposed the pope, and has said that his existence as a temporal sovereign, is incompatible with the principles of the French government; but, because the Emperor is willing to acknowledge that pastors are necessary to the catholic religion, he gives the pope two palaces, and a certain annual income, at the same time making it part of the condition upon which he receives his stipend, that he shall reside a certain part of the year at Paris. The effect of this arrangement necessarily is, not only to place the present pope, but all future popes under the influence of France, and to make the papacy an instrument of French dominion, and an engine of the ambition of the French emperor. I own it is not surprising that a great many persons in this country should feel a considerable degree of jealousy about the catholic clergy and the papacy. As to myself, I think the Catholics ought to accede to every thing for the purpose of satisfying the Protestants, that is not absolutely inconsistent with their consciences. If the Catholics are sincere in what they ask, and do not ask it, wishing at the same time that their request may be denied, they ought, I think, knowing as they must, that what they ask can only be granted through parliament, to give an equivalent for what they expect to obtain from parliament, and the Protestant government. But I think, however, on the other hand, that your Protesant subjects have no right to ask what is inconsistent with the consciences of the Catholics. There are no apprehensions of foreign jurisdiction, or French interference, operating upon my mind, that shall ever induce me to abandon the interests of the Catholics, founded undoubtedly upon such arrangements as are consistent with the Protestant safety. I think they have a right to exercise their religion as their ancestors professed it; and I see no reason why the exercise of the religion of their forefathers should prevent them from enjoying the full benefit of the British constitution.

Now, Sir, to say a few words on the subject of the Veto. I do not know how giving the crown a Veto on the nomination of bishops, can in any manner interfere with the Catholic faith. If it could be so considered, the Catholic faith would have been violated by the Catholics in Silesia, Prussia, and Russia, and other parts of the continent where the sovereign has a Veto. In some places the nomination is in the king, and yet no man has ever stated it to be contrary to the essential articles of the Catholic faith. Should they not be disposed however, to agree to the Veto, I think other arrangements may be made which will answer the same purpose, provided the Catholics are desirous of doing what is right. I will not now state what those arrangements ought to be—it is sufficient to observe that I think there would be no difficulty in making arrangements which would be satisfactory to all parties. We are told that the claims on the part of the Catholics are made for no purpose but that they may be refused. We are told that there are many Catholics, both in England and Ireland, who wish them to be refused, and that, if there was a disposition on the part of the Protestants to make an arrangement with the English and Irish Catholics, both these classes of persons would set to work and employ all their arts to render any arrangement as disagreeable as a Veto, and thus put it into the power of the enemies of arrangement, to defeat any thing that might be proposed by those who were really the friends of both Catholics and Protestants. The right hon. gentleman (Mr. Ryder) even has expressed his wonder that any Catholic should have been found to signify an approbation of what my hon. friend (Mr. Grattan) mentioned in the course of his speech, domestic nomination; he observes too, that it would be a departure from the Catholic faith to sanction the appointment of a Catholic bishop, in the way proposed by the effect of this Veto. But I think that the right hon. gentleman, as he is not friendly to the cause of the Catholics, might at least have abstained from wounding their feelings, by such imputations, He must know that several of the Catholics have signified something like an approbation to the arrangement proposed, and therefore it was not liberal in him to state that they could not do so without a departure from the essential articles of that faith. But, it appears to me, that the hon. gent. dreaded nothing so much as that the arrangement should be accepted, and, as he thought it likely that parliament would sanction such an arrangement, considered the best way to defeat it was by taunting the Catholics with the violation of the principles of their faith, by assenting to such a proposition.

The right hon. the secretary of state however says, that he has voted against every concession that has been made to the Catholics; so at least he has expressed himself. Am I then to understand that, if an arrangement could be made which would be agreeable both to Catholics and Protestants, that still the Catholics must not have to depend on the right hon. gent. for his support? The right hon. gent. says he is too well aware of the interests of his country to profess to be willing to grant the claims of the Catholics his concurrence; and that if the Catholics and Protestants could come to any arrangement, he is still determined not only not to agree to it, but on the contrary to refuse his assent. He says even that if the Catholic ministers were ready to comply with what is required of them, he would not be less determined to refuse his sanction to their claims, at least, so I understood the right hon. secretary also to say. Then, give me leave to ask, why any concessions on the part of the Catholics are to be urged as a ground of argument, either the one way or the other? When the true state of the case is, that veto or no veto—arrangement or no arrangement—the same determined purpose of resisting the claims of the Catholics exists in the minds of the administration of the country. To talk of rejecting their claims, because they will not agree to the veto, is nothing but dissimulation and folly.—(Hear! hear!)—When these men are talking of arrangements between the Catholics and Protestants, their declarations are the deceitful words of their lips, but convey not the real meaning of their hearts.—Whether this determination to resist all endeavours at arrangement between the Catholics and Protestants be wise or not, it will well become the House to consider.

I do not mean to follow my hon. friend behind me (gen. Mathew) in all his arguments. I wish his zeal had allowed him to express himself in language more conciliatory and less violent. I do certainly agree with him, that there is no danger whatever to be apprehended by granting to Ireland those privileges the people of that country justly claim and have a right to enjoy; but that on the contrary, it would be a means of security and strength to the whole empire—But the House is not called upon at the present moment even to grant the claims of the Catholics of Ireland to their full extent.—At present the only demand by the motion before the House is, that you will go into a Committee; and yet the motion is treated as if it was a demand of all you had to give.—There are concessions to be made on both sides; and if you expect great concessions from the Catholics, ought they not in return to expect some concession from you—those concessions would however be the subject of future consideration. —All that is asked now is to go into a committee—it does not follow that because we go into a committee to consider the petitions, we are therefore necessarily to grant all they pray.—Does any one mean to say we are to give all that can be asked?—we shall not be bound to do so by our vote of this night, agreeing to go into a committee.—How far in the Committee it may be expedient to determine to recommend to the House the granting the Catholics of Ireland and England full participation in the benefits of the British constitution, may be a question at this particular crisis worthy of mature deliberation. For what is in fact the state of Europe at the present moment? Is not the whole power of the continent united under the dominion of a single person? Is not that person a man—(I cannot describe him so well as my hon. friend has done). Is he not one of those extraordinary men whom providence creates to bring about those great and extraordinary revolutions, which in two or three thousand years are produced; and totally change the moral and political state of the world? Is he not unparalleled in the history of the world, both as a military man, and a general statesman? I say he is the greatest man that has ever appeared on the face of the earth. I speak not of his moral character; I speak of the strength of his faculties and of the energies of his mind. I am ready to admit that his vices may be equal to his talents, and his ambition not inferior to the powers of his intellect. He commands a people too, who are as ambitious as himself. I know not in what period of their history they have not been actuated by their ambition—it is their predominant prevailing passion. Here then is this extraordinary man, wielding the greatest power that ever was placed in the hand of any mortal, commanding a nation ready to make any sacrifice to promote his and their own feelings and views of ambition, and this country is the only remaining independant power with which such an enemy has to contend. Do not let us flatter ourselves by supposing that he is dragging reluctant armies into the field—depend upon it that the antipathy of the French nation towards this country, will support and stimulate the emperor of France to employ the energies, the powers he possesses to your destruction.—He is willing to enter into any contest to gratify his ambition—they are willing at any sacrifice to support him, to gratify their own; for the people of France know, that if they can put down England, they will then be the undisputed masters of the world.

Is it not then, particularly necessary, that in such an alarming state of the world you should see how you can consolidate the forces of this empire? When you are asked only to go into a committee, in order to see how far this object could be accomplished, is it wise for a statesman to say, or is it wise of the House of Commons to decide by its vote that the question ought not even to be entered upon, until the opinions and sentiments of the Catholics are known, and the concessions they are willing to make are expressly stated? Is it wise to say to the Catholic clergy, you shall make all the advances, but we will make none: In my opinion, it would well become the legislature to make the first advance; it would not derogate from the dignity, the power, and the character of the legislature, to make the first overture of concession to the Catholics. It would become the House of Commons, on such a question, to act, not as theologians, but as statesmen. My hon. friend behind me has said, that grant Catholic emancipation when you will, it will have very little effect on the habits and prosperity of the Irish people. I have lived long among them, and from what I know of their sentiment am warranted to differ from my hon. friend. I say that the first thing to be done is to grant what the people of Ireland ask, if you wish to make them participators in the advantages you possess yourselves. The people of Ireland feel insult above every thing; it festers in their mind, and rankles in their hearts. If you knew them, you would know that they are a people whose spirit is high and not to be broken—that they are generous, open-hearted, frank, and liberal, as they are courageous. You would know that you cannot subdue them by force; the people of Ireland are not to be subdued by force; you have tried it for centuries, and you know that Ireland is not more secure now than it was in more troublesome times.

The noble lord (Joscelyn) has said, that many of the evils of which the Irish people complain, would be done away if the great landlords and wealthy proprietors were to reside amongst them. Now, what is the situation to which you have reduced that country?—I must speak the truth. Honoured as I am by the gentlemen of this country, it is the more imperative on me to tell you what the truth is upon this subject.—Sir, the effect of the Union was, to defeat the very object of which the noble lord speaks; the natural effect and object of the Union was, to draw out of Ireland the great proprietors, and men of rank and property, at least, for a very considerable part of the year. If the noble lord thinks that resident landlords, and wealthy proprietors, remaining on their estates, are necessary to the prosperity of Ireland, he must try his hand at repealing the Union. If that cannot be done, I trust those concessions will be made which will have the effect of satisfying the people of that country; but the melancholy truth is, that Ireland never obtained any considerable advantages, except at the moment of England's embarrassments. That is the melancholy and deplorable truth. If you go on refusing every thing to the people of Ireland; if you say you will not even suffer a committee to inquire into the subject of tythes, lest it should endanger the security of the church; if you will not have a committee to investigate the claims of the Catholics, upon the weak pretence that the mover is not empowered to make concessions, depend upon it the people of Ireland will say, that the Union has made them worse than they were, and that what you refuse they would have obtained from their own parliament—their own parliament must have relieved them from their oppressions. If you persevere in resisting their just pretensions, if you continue to disregard their petitions, depend upon it they will think of more dangerous means of enforcing their claims, and the ability and inclination of the emperor of the French will not long leave them without that assistance and co-operation they may require. Are you aware of what would be the certain consequence of their resorting to such dangerous assistance?

The noble lord (Castlereagh) has alluded to what I think ought not to have been made the subject of observation in this House. Give me leave to inform the noble lord, that the conclusions of his mind are, in my opinion, the contrary of what ought to be the dictates of his duty. It is not the duty of a member of parliament to consider what, upon any particular measure of legislation, may be the individual opinion of the sovereign who wears the crown; but it is his duty to recommend, that the sovereign should be informed as to what will be most likely to promote the interests and happiness of his subjects, and the prosperity of his dominions. It is owing to a contrary conduct on the part of his Majesty's confidential advisers, that so large a portion of the subjects of his Majesty are labouring under such unmerited disabilities and oppressions—the great evil is, and has been, that his Majesty's ministers are and have been too good courtiers. His Majesty's ministers ought to tell the sovereign the truth, even though it should not be agreeable to him. If his opinion be different from theirs, it is their duty to induce him to change it, or to say that, whilst such a difference of opinion continues, they do not feel it consistent with their duty to remain in his service. The American war was not put a stop to by any private representation to his Majesty on the part of his ministers—his Majesty's ministers had not virtue enough to make such representation.—The American war was stopped by the voice of the people, and by the votes of this House. It is the duty upon the present occasion, as it was on that, and is with regard to every question of national policy and interest the duty of parliament to let the sovereign know what are its opinions and sentiments. I remember what the House of Commons told king William, when he refused his royal assent to a measure which had passed both Houses; they carried an address to the King to say, that they did lament that those who had access to his royal ear, should have given him advice contrary to what was given him by the two Houses of Parliament; that they thought it his duty to listen to his parliament and not to those who gave him ill-suited and evil counsel.—I say, then, Sir, it is the duty of ministers to come into the service of their sovereign, and to remain in his service, free from any restraint, bond, or obligation, but that which is imposed upon them by a just sense of their duty to their King and to the public, and I cannot but think, that when his Majesty was advised to demand a written pledge of his ministers, that they would not mention a particular subject to him; his Majesty was advised to do what was more unconstitutional than any thing that had been done by any sovereign since the reign of James 2.—Give me leave to say, that such unconstitutional advice has never prospered in this country—it has lost us America.—By its fatal influence and effects, we have seen every state on the continent ruined and overthrown. It is, therefore, the duty, as it is the interest of parliament, to give to the sovereign such advice as will prevent him from losing Ireland. Think on what your own situation would be, if Ireland should be lost to this country. You never will be able to secure Ireland by continuing the conduct you have hitherto pursued towards that country. If you proceed in the same course you have done, you may be assured that either during his Majesty's life, or in the reign of his successor, there will be a convulsion in that unhappy country, that will either have the effect of losing the country, and placing it under the power and controul of the enemy, or make it a frightful scene of bloodshed, devastation, and ruin.

The *Chancellor of the Exchequer*. Whatever praise the House may be disposed to give to the eloquent and able speech of the right hon. gent. who has just sat down, I do not think he will have much of the commendation of those encomiasts who have applauded, and justly applauded the right hon. gent. who introduced this motion, for the spirit of moderation with which he brought it forward, endeavouring to conciliate the opinions and feelings of those whom he knew to be not only generally opposed to him, but particularly opposed to him in sentiment upon this subject. Very different unquestionably must have been the temper and the spirit which have actuated the right hon. gent. who spoke last; the very reverse of conciliation must have been his object;—but whatever impression the party violence of the right hon. gent. has necessarily made upon my mind, and upon the minds of many others, by a great portion of his speech, yet I do assure him, (and the right hon. gent. may give me credit or not, as he chuses) that I derive great satisfaction, a satisfaction which no sentiment of party animosity towards him shall prevent me from expressing, from that part of his speech which has so satisfactorily cleared his own reputation and conduct, upon a point which certainly required a very full explanation on his part.

I have great satisfaction in finding that the right hon. gent. and his noble friend —two individuals whose characters unquestionably stand very high in the public regard, have not been convicted of grossly and foully imposing upon the House and the public, by holding out fallacious motives to endeavour to induce parliament to adopt a course of conduct which, under other circumstances, there could not have been the slightest doubt of their rejecting. If I have any fault now to find with the conduct of the right hon. gent. upon this point, it is with his forbearance from explanation for so long a period, and that for nearly three years he has suffered the House and the country to remain in error on a subject so seriously involving his own conduct, and upon which the House and the country ought long since to have been undeceived. The public had a deep interest in this explanation, and they ought to have had it before.—The public ought to have been enabled to see in its proper colours the conduct of that reverend gent., who was so long suffered to enjoy a character with the public, to which the right hon. gent.'s statement has now shewn, that that rev. gent. is so ill entitled. It is curious to observe the shuffling and duplicity of the rev. gent., sometimes defending, and sometimes impeaching the conduct of the right hon. gent., of late indeed he says little in his defence, but much in his accusation. It is difficult to account for the very confident assertions he has lately made, even in print; unless he could be supposed to have totally forgotten the strong grounds of defence which he himself had placed in the power of the right hon. gent.; unless he had forgotten the contents of that paper which the right hon. gent. has just read, (to the existence of which, even when he must have forgot its substance, he so distinctly alludes,) for, in his letter to lord Stourton, published as an appendix to Mr. Keogh's pamphlet, is the following passage.

"The presenting of the petition may induce one member to taunt another with questions, concerning his authority for making a certain offer; and it is possible that the latter may again make use of my name, and of a hasty short note which I sent him, not as a proposal, (for I never had an idea of such a thing till I heard it in the House) but barely as a supplement to a short conversation which I had been honoured with by that gentleman, and which note I scribbled in a bookseller's shop, as I was returning home. In this supposition, it will be incumbent on me, after having been burnt in effigy, more or less in his defence, in Ireland, and after standing the bating of the ministerial writers in the Morning Post, and after having pleaded his cause, as far as truth would permit me to go, in the Morning

Chronicle, it will be incumbent on me, I say, to bring my documents and other proofs, fairly and fully forward, in order, as I have so often been called upon to do, to convince the public that I never gave authority for bringing forward the proposal, which from misapprehension, and an earnest zeal to serve us, was brought forward, nor indeed any proposal whatever. These proofs cannot fail, though very much against my inclination, to furnish matter of triumph to our common enemies."

Here, Sir, the House will observe, that the rev. gent. says, that he pleaded "the right hon. gent.'s cause, as far as the truth would permit him to go, in the Morning Chronicle." And undoubtedly, Sir, he did so; aye, and much further too, if he has "these documents and other proofs" which he threatens to bring "fully and fairly forward, in order as he has been often called upon to do, to convince the public that he never gave authority for bringing forward the proposal which was brought forward, or any proposal whatever."

It is no doubt, in the memory of many gentlemen of this House, that in the latter end of the year 1808, Dr. Milner published a letter in the Morning Chronicle, in which he defended, in very distinct terms, the parliamentary conduct of the right hon. gent., as connected with his proposal of the Veto. His words in that letter are,

"Whoever duly weighs this statement, sees that our parliamentary advocates were warranted in the declarations which they made in parliament, to the extent and in the manner here set down. And it is my duty thus publicly to avow the share which I took in the warrant under which they spoke of the presumed disposition of the Irish prelates, to make the desired concession. On the other hand he will see," mark the sincerity of the doctor, "that I did not hold out the most distant prospect of these prelates yielding to the crown any degree of ecclesiastical supremacy, or actual power, direct or indirect, over the Catholic church of Ireland. on short he will acquit the hon. and noble personages alluded to, of the foul fraud imputed to them by their political adversaries, and he will acquit me also of the inconsistencies with which I have been charged in the newspapers, with respect to my declarations and writings, on different occasions."

At that period then Dr. Milner was unquestionably the advocate for the correctness of the right hon. gent. Now the case will stand clear with the public; I am glad it will do so. But I cannot forbear trusting, that from the whole of this strange transaction, we may learn this useful lesson, that we should in future not only be extremely jealous of the manner of such communications, but that we should not depend too much upon the accuracy of judgment of the right hon. gent. and his friends on that side of the House, as to the judgment they may form of the Roman Catholic feelings and opinions upon this subject; nay, I should trust it would be a useful lesson to the right hon. gent. himself, not too hastily to imagine that he could vouch for the opinions of the Roman Catholics, when they seem to be so fickle and undecided in their objects and intentions as not to be able justly to anticipate them themselves. The right hon. gent. had even said, that he had received a letter from one of the Catholic bishops, stating his expectation, that a meeting of the Roman Catholic prelates would concur in the sentiments which had been asserted last session being the general sentiments of the Irish Catholics.

Mr. *Ponsonby*, in explanation, observed, that his statement was merely that he had received a letter from a Catholic bishop, expressing his opinion, that his speech deserved the thanks of all Ireland, and particularly of the Catholic prelates.

The *Chancellor of the Exchequer* resumed; We know now with what feelings we are to receive any representations coming from that quarter, when after this letter of thanks and approbation from a Catholic archbishop, in the name of his suffragans in grateful approbation to the proposition and the conduct of the right hon. gent. this very archbishop and his suffragans shortly afterwards adopted, in their synods, resolutions directly condemning the proposal.

But, Sir, in proceeding to the question more immediately before us, I could wish to know the right hon. gent.'s opinion concerning that domestic nomination, that new substitute for the Veto, which has now been introduced much in the same way, and with no better apparent authority, nay, with still less apparent authority, than that unfortunate proposal. I could wish to know whether the right hon. gent. concurs, or thinks differently from his right hon. friend, who opened the debate upon this subject. I am sure that the House will feel that it is of extreme importance that we should be under no mistake or misconception on this point. I distinctly understood that right hon. gent., the mover of this question, to say, that, in his opinion, no proposition was admissible in favour of the full emancipation of the Roman Catholics, unless it were accompanied by the Veto, or some other concession containing a complete renunciation of all foreign influence. Now we undoubtedly should know from the right hon. gent. who spoke last, explicitly his views. We do not deal fairly with the Roman Catholic, with one another, or the public, if we do not require an explanation on this point. No one (and I beg the House to observe it) no one has as yet been so explicit as the right hon. gent. who began the discussion. And after paying to the speech of the right hon. gent. who spoke last, all the attention it merited, although anxious to mark and to retain what he might say on this point, I am still at a loss to know whether he agrees with the right hon. mover in this principle, of necessary renunciation of foreign influence, to be effected either by the domestic nomination, or by the Veto, or by some other substitute for that Veto; or whether he thinks the concessions on our part to the Catholics, should be unconditional, upon the trust of what they may afterwards be disposed to do: on this point the right hon. gent. has, as yet, left us totally in the dark; and, in fact, we have no admission of its necessity nor proposal for its adoption, except the right hon. gent. who opened the discussion. He indeed has been more candid and explicit in his avowals than any of those who have succeeded him in debate; I must do him the justice to say, that he has not sheltered himself under any reserve, but has plainly, unambiguously, and manlily stated his opinion: and indeed from the admissions of that right hon. gent. I think I have some right to stand vindicated, as well as those who think with me on this question, from the charges of bigotry and intolerance, so repeatedly urged against us, and even now so liberally, or rather so lavishly renewed by the right hon. gent. who spoke last. For it appears, Sir, now most clearly, even from the declaration and admission of the right hon. mover himself, that if we had granted these concessions to the Roman Catholics before without any condition, as it has been frequently proposed by those hon. gentlemen to grant them, and as frequently and uniformly resisted by me, we should have granted them most unwisely and most precipitately, and that no man would have more regretted that precipitancy, or been more convinced of that folly than the right hon. gent. himself who proposed it; for it now is clearly admitted by him, that these concessions cannot safely be granted without full and satisfactory securities, and that, in fact, there ought to be no further concessions without some security, such as the Veto, or some equivalent which he thinks indispensable. Where then is the ground of charge of intolerance against me, in which the right hon. gent. must not fully partake? He thinks himself justified on principles of public policy, in withholding those concessions from the Catholics, which they claim, unless upon a condition, which hitherto they have given us no reason to believe they will consent to—What do I do more?—We may differ in our application of our principle, but on the principle itself we are agreed. The right hon. gent. admits that the spiritual influence which the pope, through the bishops and the priests, may have upon the people if the election of the bishops remains as it is, is reasonably to be dreaded from the temporal effects which it may produce; that this influence in spirituals, is, in fact, a means of temporal power, and that, therefore, it must be guarded against. Here, Sir, again the right hon. gent. and myself I find agreed; and I must entreat the House never to forget that the hon. mover has argued that no concessions ought to be yielded to the Catholics, without securing some concession on their part equivalent or analogous to the concession of the Veto. What this analogous concession is—what arrangement is to be substituted, the hon. mover had not stated, and the hon. gent. who has last spoken has said, that for many reasons it should not be extorted from him. (A cry of hear! hear! in which sir J. Newport's voice was peculiarly distinguishable). The right hon. baronet by his cheers intends, as I conclude, to express his approbation of his right hon. friend's determination, and yet that right hon. bart., with admirable consistency, no doubt, has this very night told his Majesty's ministers, that they should express their opinions on this subject to the Catholics of Ireland; that they should define and explain the restrictions which might be demanded as an equivalent for emancipation; that the Roman Catholics have a right to expect this explanation, before they can be expected to concede any thing. Surely then he is rather too kind to his right hon. friend to approve of his determination to withhold the very thing which he has recently and peremptorily demanded as due in justice to the Roman Catholics.

But when the right hon. gent. states that he will not explain the nature of the proposed arrangement, is it too much to suspect his real reason to be, that he cannot explain that of which he has no idea himself? He has argued, indeed, that he will not explain it, because there are in Ireland and in England ill-disposed persons who would immediately avail themselves of its publicity, and wishing nothing more than to keep alive the discontents of the Roman Catholics, and nothing less than to see those discontents allayed, would, by inflammatory publications, and otherwise disseminating erroneous notions concerning it, endeavour (as in the instance of the Veto they had but too successfully endeavoured) to render it obnoxious to the Catholic mind.—I am as sorry as the right hon. gent. can be, that there should exist such men, disposed to act on such motives, and for such an object, in either country. But how does the right hon. gent. seek to obviate this difficulty?—He supports the motion for referring this measure to a committee: does he mean to say that the explanation of the nature of this arrangement in his speech must be mischievous, whilst the discussion of it in a committee would be perfectly innocent and safe?

Sir, the right hon. gent. who brought forward the motion, and a noble lord of the other House, in his well-known letter to lord Fingal, have declared that certain arrangements are indispensable in case of further concession to the Roman Catholics. Whatever expectations others may have entertained, certainly neither I, nor any of those who have thought with me, ever were of opinion that such provisions would be agreed to by the Catholics. But if the present motion should be agreed to, and the House go into a committee on the question, we have no assurance, no, not even the authority of Dr. Milner, that any arrangements would be acceded to. That the Veto would be objected to we know, that any equivalent arrangement would be acceded to, we have no reason to believe. But let us even suppose that the Veto, or such equivalent arrangement, were agreed to at this time, how could it be considered as a valid agreement? How or by what sanction could such a power be conferred on his Majesty? How or by what sanction could obedience to that power be enforced? It supposes a contract to which the government of this country, the Roman Catholics of Ireland, and the pope, must all be parties. Now the pope may refuse his sanction, Buonaparté may compel him to refuse it, or the Catholics may change their mind, and you cannot punish them for non-performance, without justly incurring the charge of intolerance. Should the present race of Catholics make the concession, how can they bind the religious scruples of their children?

What would be our situation, if, after all the disabilities of which the Catholics complain had been removed, on the supposition that certain concessions on their part would be perpetual, the sons of those Catholics should refuse to abide by what was stipulated for them? nay, if the persons themselves who had conceded them should repent of their concession? We could not punish them for withdrawing their consent; and if we did we should be justly accused of interfering in a matter of religion and conscience with the hand of power. The right hon. gent. argues, and for ought I know may argue correctly, that the veto is consistent with the Roman Catholic religion, but who is to be the judge of the validity of that argument? In such a case, none can be competent judges but the Catholics themselves, and if they declare that they cannot conscientiously grant such a power, it is just as intolerant to require them to grant it, as to insist on their taking the oath of supremacy. Suppose after such a concession on their parts, persons assumed the episcopal character, functions and authority, without complying with these terms, and the Roman Catholics acknowledged their authority, how would you prevent them?—Suppose they asserted it to be an article of faith, of religion, not to suffer a Protestant to interfere in the election or nomination of their bishops; would you prosecute them? would you punish them for this article of their faith? would you? where then would be your toleration? yet without this, what is the validity of your agreement?

Besides all this, Sir, how is such an arrangement practicable? The investiture of such an authority in his Majesty must be, according to all usage, by concordat with the pope; and how is his consent to be obtained? How are we to procure access to him? Were it even possible to obtain his ratification of such a regulation whilst he remains a prisoner; nay, if it were to be obtained; if Buonaporté were to induce him to give it, were to consent that he should give it; and without his consent, at this time, I conclude, no man is idle enough to suppose that the pope could give it. Might he not, when at large retract his former act, and plead in justification his former situation? How wild and chimerical, then, is it, to suppose that such an arrangement can, at this time at least, be productive of a satisfactory issue with the Catholics of Ireland!

Let us not, then, be amused with a project, the nature of which it is not attempted to explain, and the execution of which borders on impossibility.

As the arguments for going into a committee have been rested on this ground alone; as concession has been coupled with the Veto, or with the domestic nomination indispensably, by the right hon. mover of the question himself, I think it unnecessary this night to do more than to meet the arguments of the right hon. gent. who began the debate upon this ground. But although I do not feel myself obliged nor inclined to go more at large into the question at this time, I must protest against its being inferred, from my opposing this motion on this ground alone, that my objections would be removed if the veto, or domestic nomination, were conceded. I must be permitted to say, that foreign influence is not the only influence I dread, and that there is another as much to be apprehended; and that also that foreign influence would not nor could not be destroyed by the veto.—If the right hon. gent. has one objection to concession, I have two; and although I think his a serious one, and one which his proposed remedy would not cure, yet there is another, which, with a view to the tranquillity of Ireland, I think of much greater importance. I remain of the opinion which I have always maintained, that the Catholics of Ireland are disposed to go further than what they now demand as emancipation; that whatever they now profess, nay whatever they now may feel, they will not, they cannot be satisfied with any thing short of the entire and exclusive establishment of their religion in Ireland:—the establishment of their religion with all the right of such establishment annexed to it. Nay, the better the Roman Catholic, the more sincere he is in his faith, the more attached to his religion, the more impossible it is to suppose that he would be satisfied, if his satisfaction is your object, till he had obtained that establishment for his religion. But there are many, Sir, which even this establishment of their religion would not satisfy.—I do not speak this lightly nor without proof, at least presumptive proof. What else can I think, if I am to judge by what every day falls from the press, and from the declared sentiments of many who are foremost amongst the Catholics themselves? What does Mr. Keogh say in his pamphlet on this subject; and it is of high importance that what is here said should be noticed by gentlemen. Thus Mr. Keogh: "It is time to lay the axe to the root of the evil. If you sincerely feel that love of England, and that loyalty to the King, you are so forward to profess: if, in a word, you purpose to save Ireland to the empire, let her experience an eternal divorce between religion and politics, including the abolition of tythes, and the suppression of every species of public plunder on pious pretences. Let her see her corporate bodies, including the university, annulled; for they are all organized accomplices of old errors and of old vices against every moral, political, or physical improvement.—Let her peasantry be freed from the pressure of rack rent, not by imperative statutes, but by bringing to market fewer bidders for more arable land;—by encouraging domestic manufactures—let the progressive accumulation of her taxes be terminated."——And in short, his cure for the grievances of Ireland virtually tends to a repeal of the Union, and separation.

The right hon. gent. in pointing to what was mentioned by the noble lord (Jocelyn) behind me, as one of the grievances of Ireland, namely, the absence of the landed proprietors; the right hon. gent. retorted, that this was one of the great and mischievous effects of the Union, and advised my noble friend to try his influence for a repeal: I must suppose that right hon. gent. too wishes for its repeal. Perhaps this was one of the arrangements in the mind of the right hon. gent. which he declared should not be extorted from him.—It might be so, although not professed by the right hon. mover, nor the noble lord in the other House. The hon. general (general Mathew) opposite me, distinctly contends that it is necessary for the salvation of Ireland, and Mr. Keogh does the same. What, therefore, are we to judge, but that emancipation is not the real object of the petitioners, and that nothing will satisfy them but a separation from this country? This, I trust, however, is far from the general sentiment; but I candidly state my view of this subject.—I have always thought that the Catholics of Ireland would never be contented unless with the full establishment of their church.—I always argued the question in that way, and I do so now, quite fearless of the censures that may be cast by any one on my motives. Without therefore relinquishing that ground of objection, I have thought it sufficient to state what I have stated in opposition to the hon. mover, who, to preserve consistency, ought to vote against his own motion, and not for it. For if there were no grounds for the hon. mover's belief that the Catholics would consent to make a satisfactory arrangement, then the hon. mover, on his own principles, should opppose the referring of the petition to a committee, the result of whose proceedings must be, after having excited expectations which it was impracticable to gratify, to leave the public mind in a state much worse than that in which it was found.

I have now stated what I conceive to be sufficient grounds for not going into a committee on the prayer of the petitioners. —Should the Roman Catholics consent even to the Veto, or any other arrangement in contemplation, I see no practical utility in agitating the question.—I think it is only exciting expectations which are not to be satisfied; and upon the impracticability alone of the arrangement proposed, I think the House would act absurdly and mischievously by consenting to this motion for referring the petition to a committee.

Mr. *Whitbread* said; After the many excellent speeches which have been delivered in the course of this debate, in support of the opinions which I espouse, little remains to be offered by me on the present subject, important as it is on every account. I shall, however, take occasion to make a few remarks, and particularly on the answer of the Chancellor of the Exchequer, to the able and convincing speech of my right hon. friend, (Mr. Ponsonby). Let not the House be for a moment misled by the train of argument of the right hon. gent. He may discuss the propriety of this or that restriction, but upon these questions he is not a man open to conviction, or whom any arrangement could satisfy. If the Catholics were to lie prostrate at his feet, and to implore him to name his own terms, his answer must be, "I can never be satisfied. I can propose no arrangements; I can accept no terms. You are men whom I cannot trust, I cannot believe you upon your oaths." In what other language could the right honourable gentleman express himself, who must judge of the principles of other men by his own? for he has told you, that if instead of being so truly orthodox as he is he were a schismatic, he would ask for immunities chiefly for the sake of using them to overthrow the establishment from which the concession of them had been obtained; that he would not, that he ought not to be satisfied, until he had succeeded in demolishing the one church, and setting up the other on its ruins. With such a man it is idle to discuss arrangements, with his consent none will ever be carried practically into effect.

It is not, however, my wish to quarrel with the religious doctrines of this man of intolerance, nor to waste the time of the House in exposing the weakness and bigotry of arguments which have been so often exposed and refuted. I must come directly to other parts of the speech of the right hon. gent. I accuse him of the greatest want of candour in the representation he has given of that part of the speech of my right hon. friend, wherein he touched upon the subject of the Union. The noble lord (Jocelyn) who spoke early in the debate, in enumerating the grievances of Ireland, dwelt upon the number of her absentees, to which circumstances he ascribed much of the evil known to exist in that country, and expressed a wish that some barrier could be erected against this fatal emigration. My right hon. friend in his masterly reply animadverting upon what had been said by the noble lord, truly said, that the Union had added most largely to the number of absentees, that it had compelled many of the Irish to absent themselves from their country, and that the most effectual barrier which could be erected, would be the repeal of the Union.

But my right hon. friend, so far from recommending the repeal, as has been misrepresented by the Chancellor of the Exchequer, gave no opinion whatever, even upon the original propriety of the measure. He pointed out to the noble lord the conclusion to which his own arguments inevitably lead—concession to the Catholics, or the repeal of the Union. The argument belongs to the noble lord; the result of it he did not appear so fully to have perceived.

True it is, that the gallant general (Mathew) has recommended, with great fervour and earnestness, the repeal of the Union, which he deems so fatal to the interests of his native country. Ample allowance is due to the ardent feelings of a true born Irishman, and for the keen regret with which he must view, what he conceives to be the extinction of Irish independence.

Who can blame the heated language of my gallant and hon. friend, when it is recollected that he was an eye witness of the tragic horrors which took place in Ireland in the year 1798, which he has described with so much feeling, and in such glowing colours? who can be surprised if on such a subject, a brave and humane man speaks warmly; when he sees in this distant and more enlightened period of the year 1810, the minister of England and the tools of that minister, use every topic of inflammation—encourage every rancorous feeling, in discussing the claims of the Catholics. I impute not such blame to the duke of Richmond, nor to lord Wellington, during the period he was chief secretary in Ireland, nor to his right hon. relation who now fills the same office. It lies at the door of the Chancellor of the Exchequer, who has thought it decent and fair to oppose every species of obstacle to the emancipation of the Irish Catholics; and a learned doctor, his right hon. friend and coadjutor. Of that learned gentleman's over-done violence, however, his partizans are so little proud, that because he broke his compact, and on the subject of tythes, favoured us a short time ago with an harangue, in his accustomed strain, they appear to have positively transported him, that he might not take part in this debate. He has not failed to make up for want of attendance by publication. We have also seen the History of the Inquisition republished within a short time with plates, illustrating all the horrors of torture. All the obsolete stories of Catholic persecutions have been brought forward for the purpose of deceiving and alarming weak minds, (as if such were the practices of the Catholics of the present day:) and of rendering more fierce that fire, which if it shall long continue to blaze, will consume the very vitals of the country. As well might the History of Ireland be published, illustrated with plates, representing those scenes of cruelty and horror which were acted by the government of 1798, as giving a true representation of the government of the present lord lieutenant, and his conduct towards the people. I must not forget Dr. Milner, who if he had been created for the purpose of sowing dissension amongst the Catholics themselves, and unfounded distrust of their friends, could not have succeeded better than he has done. I think even the Chancellor of the Exchequer must have been pleased with the honest triumph of my right hon, friend, over that rev. divine. I was not a little gratified by the pompous introduction of the charges against my right hon. friend by the Secretary of State; had my right hon. friend stationed him there, and directed him to play a part for stage effect in his favour, it could not have been done more entirely to his wish.

On the other hand, I confess I have experienced no small degree of mortification from the proceedings of some of the members of the University of Oxford, who have directed their representative (sir William Scott) to announce their opinion upon the present question. It is a mortification to think that a body so enlightened, and so liberal as the University of Oxford ought to be, should wish to place itself foremost in resisting the claims of their Christian brethren. The opinion then of Oxford is, that she having herself heretofore thrown off the errors of the Catholic church, has carried her reformation to that point of perfection where it ought to stop. To the Catholics she will not allow all the tenets which she herself formerly maintained, to the reformists she will not allow the slightest scepticism upon so much of those tenets as she has thought proper to retain: nor to stir one hair's breadth beyond her line of demarcation. Oxford is perfect. All that is above her is too high, all below her too low. This is her opinion of herself, and she looks with an odious austerity upon all who presume to differ from her.

Sir, I am sorry to see such a spirit of intolerance and cruelty in that ancient seat of learning. It is a matter of just apprehension and regret, when we know that a large proportion of the rising generation is to be committed to her care, and is likely to imbibe her feelings and opinions. The manifestation of this spirit is a grievous disappointment, after the liberality displayed in the election of lord Grenville, to the distinguished honour of her chancellorship, in spite of the war-whoop of No Popery. I am confident, however, that there are, belonging to that great body, both within the walls of her own colleges, and spread over the kingdom, many members who widely dissent from those opinions which have been delivered to us as the opinions of the University of Oxford.

The learned judge himself has adopted a curious course of argument. He must be supposed to speak with sincerity when he says he wishes all obstacles could be removed: that he wishes liberty of conscience could with safety be universally extended. Yet, he tries to create fresh obstacles, in addition to those which already unfortunately exist in so great abundance. He labours the matter with both sides, to prevent a possibility of union, and, as far as I can discern, egregiously misrepresents the state of the case to each. He tells the Protestants not to enter into any arrangements with the Catholics, for that concession must inevitably lead to the subversion of the Protestant establishment: and then, for fear the Protestants should deride his gloomy forebodings, and be willing to do their duty to their fellow subjects, he turns to the Catholics, and denounces them as guilty of nothing less than schism, if they shall consent to the Veto, or any thing at all analogous to it. At least the learned judge may content himself with the guardianship of the establishment. The Roman Catholics can dispense with his kind concern, and judge for themselves of the conduct they ought to pursue. He must excuse me if on both points I differ with him altogether. I am neither judge, nor theologian, but when I read the admission of the titular archbishop of Armagh, when I have laid before me the body of evidence contained in that most able speech, delivered in the debate of a former night by my hon. friend (sir J. C. Hippisley), and which he has since submitted to the public in the shape of a pamphlet; containing the most convincing reasoning, founded upon the purest principles, and fraught with the most profound erudition, which all would do well to consult: (those who are for the concession to the Catholics, that they may see on what firm foundations they stand; those who have been misled by bigots, that they may see how all their false glosses fall before the light of truth, and the evidence of authentic documents, and historical fact): when I have even the authority of Dr. Milner, that the Catholics may admit of a Veto consistently with the tenets of their religion: above all, when I remember that in the year 1799, the prelates of Ireland were ready to grant the Veto to the crown, I am decidedly convinced that the learned judge has taken a very mistaken view of the subject; and that his kind, but gratuitous fears for the integrity of the Roman Catholic religion, are not only overstrained, but altogether groundless. The single authority of Dr. Milner on this subject, such as it is, would weigh with me against that of the learned judge, with all his conscientious scruples for the purity of the Catholic faith.

The learned judge has told the Catholics, that by granting a Veto they will be guilty of creating a schism, and he has added that a domestic nomination will be equally fatal to their church. But, Sir, is not this a gross fallacy? Will the Catholics be deluded by it? Do they not know, does not the learned judge know, that in many of the Catholic churches in Europe, a Veto has been exercised by the temporal sovereign? Did not the king of Prussia exercise a Veto, and has not the nomination of bishops in the Catholic church of France, always been purely domestic? But the learned judge is another of those whose reasonings must be admitted with the greatest possible caution: and all his scruples most nicely weighed. It is his business, as well as that of the Chancellor of the Exchequer, to create difficulties, for the purpose of throwing off his own shoulders the odium of refusal. But all difficulties removed, they would remain unchanged. Oxford, its representative, and the Chancellor of the Exchequer would shine forth in the full blaze of intolerance: they would still decide against the smallest concession of the Catholic claims.

One part of the speech of the learned judge I think savours of the ludicrous; although it was delivered without any departure from the general gravity of his manner. He has asked how, in the present state of captivity of the Pope, it would be possible to approach him to obtain his sanction to any arrangement which may be proposed? In the first place it may be answered, that the Pope's consent, anterior to such arrangements, is by no means necessary. His sanction might be obtained afterwards: and undoubtedly would be so, if required, in conformity to all usage: and if not required, would be offered, as was the case with the appointment of a Roman Catholic bishop in Russia, to which the Pope spontaneously acceded. Again, the question, one should think, could be readily answered by a supporter of the King's present ministers in the affirmative. They are so fertile in expedients of the sort, they could surely get at the Pope. They could approach the marquis of Romana by means of a Catholic priest, and thereby get his army from the Baltic: and they who could devise the brilliant expedient of stealing Ferdinand VII. by the agency of baron Kolli, who is also reported to be a Catholic, would surely be able, by means of some pious and astute Catholic, to approach the unfortunate Pope. By the way, one cannot help observing how the abhorrers of the Catholics venture to confide the most important and difficult affairs to the management of the very men whom they profess so entirely to distrust. Let it be remembered, that in the dreadful crisis of the mutiny at the Nore, to a Catholic priest was confided the task of bringing back to their duty and allegiance the misguided seamen. Away with all these idle pretexts for not entering into arrangements. We admit the danger of concession without adequate controul; but the difficulty of execution is no plea against an attempt to carry into execution, what is on all accounts so desirable and necessary.

In the speech of the noble lord (Castlereagh) who replied to the luminous and philosophic oration of my illustrious friend the member for Dublin, the fullness of danger of yielding to the claims of the Catholics, with an equivalent controul on the nomination of their bishops, was forcibly urged, and the influence of the hierarchy magnified to an extraordinary degree. Be it that the clergy are all-powerful over the minds of their congregations; and that, in the present state of things, there is danger of French influence amongst the prelates. How does the continuance of the disabilities of the Catholics weaken that power, or diminish that influence; Is it from the shepherds or from their flocks the danger is apprehended? Recollect, that without Catholic sinews not a regiment of your own establishment can be marched: without Catholic arms, not an anchor in your fleet can be weighed. Recollect how many victories the Catholics of Ireland have achieved for the country! contemplate the trophies with which they have enriched you! then make mankind believe, if you can, that you are really apprehensive of the dangers arising to you from the Catholic body of Ireland. But you are alarmed at the effect of French influence over the prelates, and of the further extension of that influence. Does French influence now exist? What is the fact? Why, that in contending against France, your armies are filled with Catholics, who are pouring forth their blood to disprove so foolish a supposition. But grant your position to be true, is your conduct consistent with common sense? You disgust the higher orders by humiliating disqualifications, and you will not admit those who you say have the greatest power over the Catholic mind to any communication with yourselves. You affront, instead of conciliating, men whose services are of the utmost importance to you. To cut them off from France, you take the line which, if any thing could, would drive them into an immediate connection with your formidable enemy. It is very material to consider what has been the conduct of the Catholic prelacy of Ireland upon the most trying occasions; and a due consideration of that conduct will lead to the acknowledgment, that the bishops have at all times evinced the purest loyalty. Have they not in the worst of times, under the bitterest persecutions, and in despite of the penal code, preached to their flocks the doctrines of conciliation and peace? Again, if the Catholic prelates of Ireland are so enthusiastically attached to the papal chair, so blindly obedient to its spiritual influence, as they are represented to be, what must be their feelings with regard to the emperor of the French? Instead of lending themselves to his projects, must they not rather consider him as antichrist? He who has torn the triple crown from the brow of the sovereign pontiff, who has stripped him of all temporal dignities and possessions, and has reduced him to the ignominious state of a vassal and a prisoner, must be held in abhorrence by all who have any regard for the dignity of the Holy Father. The mode of reasoning must be, indeed, strange, by which it could be proved that those prelates, who under all discouragements and persecutions have preserved their allegiance, whom you do not fear to disgust, and to leave so disgusted, equally obnoxious to foreign influence, should the moment you treat them with kindness, become traitors to that country towards which they had uniformly evinced their fidelity so long as they experienced nothing but harshness and proscription.

Sir, the noble lord has laboured hard to evade the charge of having held out Catholic emancipation as the price which would be paid to the Catholics of Ireland for the Union, which it was in their power to grant or to withhold, as the boon or reward which was to be their compensation for the surrender of their legislature and of their national independence. He says, that at the time of the Union, emancipation was not stipulated; it was to be an emanation from; it was not to be the price, but the consequence of the Union. Sir, no words may have passed, but the meaning of the noble lord might well be interpreted without the intervention of language. His known disposition to grant the claims; the known determination of the Catholics not to have acceded to the Union unless their claims were granted; the declarations made by the most powerful of their friends in this country, that unless an imperial parliament were established, those claims could not be acceded to, all tended to confirm the Catholics in the belief which they undoubtedly entertained, that the cession of their independence at the Union would be rewarded by the restoration of their rights. "Don't press your claims now; suffer the Union to be effected, and I am your advocate." The express words may not have passed; but I put it to the noble lord himself, whether so much was not to be inferred from his manner: whether the Catholics were not justified in drawing the conclusion; and whether, if his late colleague in office, the chancellor of the exchequer, had been the minister who had attempted to carry that measure, it must not altogether have failed, because of his being known to be from his heart, and for ever, irreconcilable to the rights of the Catholics? Sir, the Catholics have it not in their power to produce any bond written with hands and sealed with seals, but there is an agreement not written with hands, nor sealed with seals, eternal in the heavens, —a record against you until you shall execute your contract; to that registry they appeal against you for the non-fulfilment of your moral obligation. Doubtless Mr. Pitt had the measure in contemplation immediately on the passing of the Union. He tried it privately, and he failed. What bitter disappointments have not the Catholics experienced! and, if we had not evidence to the contrary, how bitter should we not, reasoning upon the general principles of human nature, expect their resentment to be? A century of persecutions had elapsed, when some portion of the restraints upon them were removed; and at length, in the year 1793, the memorable act was passed, which permitted the Catholics to hold certain commissions in the Irish army, with an express understanding that the same measure should be proposed without any delay in the parliament of the sister kingdom. But nothing further was done, and for seven long years were their hopes constantly baffled, and the state of the army was made such as it still remains. On one side of the narrow channel which divides the two kingdoms, an officer may serve his king under the protection of the law; on the other, he remains subject to penalties for offering his life in the cause of his country. In 1800 they looked with anxious well-grounded expectation for relief. An unforeseen obstacle arose, of which we must presume that the men who carried the Union were entirely ignorant. That obstacle is often most unconstitutionally introduced into our debates; but however we may individually know and lament, that such an indisposition exists, (an indisposition which is I fear, much more inflamed for selfish purposes, than softened for the public good, by those who have access to the sanctuary,) we cannot take any notice of it in our capacity, as forming one branch of the legislature. The Union passed. Mr. Pitt could not accomplish his object, and in company with the noble lord resigned. The disappointment was lessened to the Catholic body, by the evidence which was thus given of the sincerity of their advocates. It was then understood that lord Melville, Mr. Pitt, and the noble lord, would not return to office without having it in their power to gratify the hopes of the Irish Catholics. How ill they had calculated upon the intentions of those ministers events have proved.— The noble lord (Castlereagh) soon returned to office as part of an administration who were known to be adverse to the claims of the Catholics. Another administration succeeded, composed of the leading persons who had resigned in 1801, and under them in 1805 the Catholics could not have their claims taken into consideration. The course of events produced another change of ministers; and at length, in the year 1807, it was proposed to assimilate the law of England with that of Ireland, in respect of the situation of the officers of the army, with an extension of similar rights to the navy. By the furious proceedings of the chancellor of the exchequer and his associates, the cup was again dashed from the lips of the unhappy Catholic, at the very moment when he expected to have tasted a part of its sweets. Three years have again elapsed. One more unsuccessful effort was made in 1808 to induce the legislature not to concede, but to take the claims of the Catholics into consideration.—Again, in the year 1810, we are called to this discussion; again we meet with the same spirit of intolerance; again the Catholics will meet the same heart-breaking refusal.

The noble lord has recommended patience to the Catholics. Sir, I thank God they have upon all occasions manifested their possession of that virtue in the most exemplary manner. If any thing could excite their feelings to a pitch beyond their own controul, it would be this sermon upon patience from the noble lord, during whose different administrations their hopes have been so highly raised, and so cruelly disappointed. I am confident the Catholic body of Ireland will act with the moderation and temper which have always characterized them, although the conduct of the noble lord has been much calculated to produce a different effect. We must not argue from the warmth, or even violence of any particular person addressing a meeting, or issuing a publication, under the keen sense of suffering, and using intemperate language, to the feelings and demeanor of the whole collective mass of the Catholics. We have had recent experience, indeed, that one misguided or misguiding man may convulse the moral feelings of a whole country, and throw an obstacle in the way of a most beneficial national arrangement. The chancellor of the exchequer succeeded in so doing, and thereby obtained the reins of power; but let us hope that no intemperance corresponding with his own, on the part of those to whom he denies justice, will be permitted to defeat their objects, and further his.

The noble lord has told us that he conceives there are many arguments which might be successfully urged to convince the most obstinate enemies to the Catholic claims of the propriety of granting them. He again alludes in an unparliamentary manner to the one great obstacle, but he adds, that in time he conceives many persons will be induced to yield to those reasons as well as himself. Sir, I have seen the noble lord twice associated with ministers the tenure of whose office was the exclusion of the Catholics. I should be glad to know whether the noble lord ever exerted his talents to convince either of those two persons on this subject; particularly, whether before the formation of the last administration, or during its existence, the noble lord ever tried to convince the present chancellor of the exchequer of this his great political error, as it was his bounden duty to do; or whether he found him an unmalleable mass of bigotry, not to be moved by any exertion the noble lord could make, from his short-sighted purpose?—Sir, I fear the experiment was never tried, and the noble lord by joining the ministry, contributed to throw far back the Catholic claims. But the speech of the noble lord to-night has been of a complexion very different from those which we have heard from him upon similar occasions, whilst he was in the trammels of official situation. It breathes a purer air. The noble lord has shone in a former part of this session as an orator, and in the course of this debate he has spoken more like a statesman than ever we heard him speak whilst he had any share in the conduct of affairs of state. I fear his vote will be in contradiction to his speech. Nevertheless, the speech will do good. I congratulate the Irish on the emancipation of the noble lord, and I congratulate the noble lord. I congratulate the right hon. gent. under him (Mr. Canning) that he is also free to declare his sentiments, and vote according to his feelings, upon a point of such transcendant importance, both to the community, and to each member of the legislature who is called to decide upon it. It is not unworthy of remark, that the two friends to the claims of the Catholics who joined the anticatholic administration, for their own reasons, have both relinquished their situations in consequence of the conduct of the one towards the other.

We have no longer a cabinet composed of jarring opinions on this point: it is one pure, unadulterated lump of bigotry, animated by one principle, and acting under one impulse. The only antidote is repeated discussion. I wonder at the opinion delivered by the noble lord, that the Catholic cause is prejudiced by being repeatedly brought under the consideration of parliament. I feel perfectly certain that it has been materially advanced by the debates which have taken place. Does he find that our opponents now will venture to rely on the same arguments to which they heretofore trusted? Do we see all the same champions in the field?

Repeated discussion drives bigotry from her strong holds. As in other questions which stand upon the immoveable basis of reason and truth, the like effect has been produced by unwearied and reiterated discussion; so in this, the debates which have already taken place have exposed many fallacies, destroyed many prejudices, and driven out of the field the most violent advocates of intolerance. By debate upon debate, that monster the slave-trade was overcome. By the same means the cruel restrictions upon the Catholics will be removed, as mists are dispelled by the noon-day sun. So far from agreeing with the noble lord, that these frequent discussions give power to the enemies of the question, I think that we acquire power by every fresh debate. Let us take one amongst many instances of our progress. The coronation oath used to be placed in the van of the battle against the Catholic claims. The coronation oath is abandoned. The false statements which were made respecting it, the false inferences which were drawn from them, have been so often and so fully exposed, it has become quite harmless. Its advocates are ashamed of it! Is not the desertion of the coronation oath a step gained by the Catholics? Is it not another great step gained, that the University of Oxford, notwithstanding the opinion delivered as hers by the learned Civilian, has elected lord Grenville her Chancellor? Have we not heard from the noble lord (Dursley) who has just been returned by the rich and populous county of Gloucester, that in the progress of his canvas he found a very large proportion of his constituents in favour of the Catholic claims? Why are the dogmas, formerly imputed to Roman Catholics, no longer thrown in their teeth? Why are we no longer told that the Catholic, though sworn, is not under any obligation to keep faith? Why do we no longer hear of general sweeping absolutions, licensing all treachery, and washing away all crime? Because such absurdities can no longer be credited. Because the right hon. gent. no longer ventures to impose upon his audience the nauseous absurdities which he used formerly to urge with so much vehemence, and not without some effect. The pamphlet of the learned doctor appended to the new edition of the History of the Inquisition, to which I before alluded, has, together with its more bulky accompaniment, fallen still-born from the press. Are not these signs of the advancement of the Catholic cause?

The right hon. Secretary of State, who thought proper to open so violent an attack upon my right hon. friend (Mr. Ponsonby,) has, with equal solemnity, and equal success directed his shafts against lord Grenville. I wonder the right hon. gent. should so far have forgotten dates and circumstances, as to have asserted that the masterly letter addressed by lord Grenville to lord Fingal, was ushered into the world at a moment when lord Grenville expected a new administration would be formed, in which he would in course have a prominent share; thereby insinuating that lord Grenville had constructed his letter, and published it, for the purpose of facilitating his access to office. It seems the right hon. gent. has need to be informed that lord Grenville's letter was not published till after the meeting of parliament in the present year; that an offer had been made to that noble lord of official situation many months antecedent to that period, which offer had been speedily and peremptorily declined: and that after the offices had been tendered to every variety and description of person, the right hon. gent. had found himself a secretary, to the surprise of the world, if not to his own astonishment. So much for the fairness of the representation of the motives of my noble friend in publishing his letter. So much for the accuracy of the hon. secretary's dates, and the fidelity of his report of circumstances.

If, however, I could believe my ears, I should derive some consolation from the speech of the right hon. gent. If I heard him right, keeping back the cogent argument which the originality of his own genius would certainly have furnished, and restraining the copious flow of his own imagination, he selected some passages from the letter of lord Grenville to read, which passages he said had his entire concurrence. We all know how possible it is to take out particular passages from any writing, which, abstracted from the context, may give a sense diametrically opposite to that which the whole writing would convey, and which the author intended. If indeed the right hon. gent. has imbibed any particle of the spirit of the illustrious author whom he has quoted, I should hail it as a most auspicious omen. Even the lack of all other resource displayed by the right hon. gent., in the shift to which he has been obliged to have recourse, is not without its consolation. Will the right hon. gent. consent with lord Grenville to go into a Committee, to inquire into the nature and extent of the securities which it may be necessary to take from the Catholics, in order to enable us to grant to them their just rights? Sir, I am sure he will not. Why then affect to pay a hollow compliment to lord Grenville? Why ask of my right hon. friend an explanation with regard to the Veto? An explanation the most triumphant has been given by my right hon. friend; but neither the right hon. gent., nor any other of his Majesty's ministers, are one bit nearer to the point of conciliation.

I cannot omit this opportunity of expressing my satisfaction that this question has again been discussed, in order that the nature of the Veto may be appreciated. Its importance has been much over-rated. I confess, I think it was prematurely brought forward by my right hon. friend. It should rather have come into discussion in a committee, if granted, and been proposed as part of a reciprocal agreement by the Catholics, when it had been ascertained by them whether any, and what attention would be paid by the legislature to their claims, than have been put gratuitously forward. I do not believe it made one convert to the cause of justice, but since it was mentioned it has afforded a constant source of distraction amongst the Catholics themselves, and a constant topic of misrepresentation amongst their enemies. This discussion has again placed the matter upon its right footing.

It has been cruelly said, that the privations of the Catholics are few and light; that they suffer nothing material under the remnant of the penal code. Can gentlemen shut their eyes to the hardships to which they are exposed; to the disabilities under which they labour: and tauntingly say their grievances are imaginary? Whither can the Catholic flee, that his disgrace does not follow him? In what act can he be engaged that he is not visited by oppressive and injurious distinctions? Has not the House been made acquainted by the hon. baronet with what has occurred in Sicily? a Catholic country! where the Catholic soldier serving in the British army has been refused the free exercise of his religion! With a proper deference to the national establishment in the Catholic countries where our troops are serving, the British soldier is ordered to pay obeisance, by presenting arms to the host; but if he himself should be of the Roman Catholic persuasion, by a cruel contrast he is denied the consolations of the religion which it is acknowledged that all sects of christians ought to respect.

The armies of lord Wellington and sir John Stuart are filled with Catholic soldiers. They may again, as they have done heretofore, fight and conquer; they may purchase the redemption of the liberty of other nations and maintain our own with their blood, but if they survive, they may not return thanks to God, who is the giver of all victory, after the rites of their own religion, and in the manner which they must deem the most expressive of their gratitude for the past, and most likely to propitiate future blessings. If they fall, when sinking into the grave they are denied those consolations to the dying, which to the Catholic christian are beyond all price; they are interdicted the presence of their priests! Supposing a Catholic soldier so to have signalized himself in battle, that the commander in chief were to select him, accompanied by the acclamations of the whole army, for promotion; if it should unfortunately turn out that the hero is a Catholic, his valour could not be rewarded; the keen disappointment must be experienced, which his conscientious feelings of religion would have procured for him, and the best incentive to good conduct, its just and high reward, would be lost. Is not this conduct on the part of a country towards its courageous defenders monstrous, ungrateful, inhuman! Can it, ought it any longer to be borne? Can respect for any prejudices, entertained in any quarter, throw a veil over such injustice, or afford any apology for its continuance?

Sir, the consideration has often occurred to me, how few there are of those even who have the reputation of being the best instructed, who are aware of the very slender distinctions existing between the tenets insisted on by the church of England, in many cases, and those of the church of Rome: and one cannot forget the remarkable circumstance which occurred in the debate of the other night. When my hon. friend, the worthy baronet, to whose admirable speech allusion cannot too frequently be made, quoted a canon of the church of England, the member for Yorkshire, from whom such a mistake was the least to be apprehended, was surprised, and could not help exclaiming: "That is a canon of the church of Rome." He was contradicted by the hon. baronet, and informed that the first statement he had made was correct; that the church of England had laid down the rule at which the hon. member started, respecting confession made to priests. Such is the ignorance or misapprehension respecting the exclusive adherence to many of those very doctrines on the part of the Roman Catholic church, from which so much danger is apprehended.—You object to the Catholics' doctrines, which are your own as well as theirs, and you take the exposition of their principles, not from their mouths, but from the mouths of their enemies. You assume to yourselves rights which you do not possess; you deprive others of the enjoyment of rights which are unalienable.

Suffer the Catholics to speak for themselves, and to plead their own cause. When the great apostle of the Gentiles, whom, God thought fit, by a special intervention of his power, to convert to the belief in Christ Jesus, after having lain in bonds, and been tormented with stripes, was brought before the Roman governors, and lastly before king Agrippa, although he was accused as a pestilent fellow and a sower of sedition, he was permitted to speak for himself: that great orator then "stretched forth his hand and spake, and deemed himself happy that he was permitted to speak for himself before the king touching all the things of which he was accused." That which was conceded by a pagan to a christian, shall we not, who call ourselves christians, concede to our christian brethren? Listen then to the voice of the Catholics, expressed in their petition presented in the year 1808! There you will find a full exposition and detail of all their grievances, and the whole of their prayer for redress. Their language, from repeated disappointment, may have become more warm; but all they ask of you, is to go into a committee for the purpose of considering their claims. A boon you may surely grant without risk or danger. Not only is it a boon which you may concede without any risk or danger, but it is what the Catholics have a right to demand, and you have no right to refuse, in order that it may be seen whether in their tenets or in their conduct there is any thing which can justify you in maintaining against them the remnant of that system of persecution by which they have been so long oppressed.

Sir, my right hon. friend, in his opening speech, talked of the dungeons of theology and the madhouse of casuistry.—I am not versed in the voluminous writings which have encumbered and obscured the truths delivered to us in the gospel, but to me, as to all men, are open the writings of the Evangelists, wherein alone we can find the history of the transactions of the Divine Dispenser of our revelation; wherein alone are recorded the words which fell from his mouth. I do not there find any authority given to man to persecute his fellow man, because he does not accept the same interpretation with himself, of all the mysteries of our religion. I do not there find that I have the right, however I may have the power, to deprive my neighbour of the free enjoyment of all the civil blessings of that community in which we live, because he takes the sacred symbolical words uttered by our Saviour, in a sense more literal than I do. Religion is a matter of concernment to each individual man. No man,—no collection of men can impose a belief upon another. They can have no right then to deprive any man, or description of men, of their civil freedom, on account of their conscientious scruples. It has been said there is a natural connection between the church and state. That position I deny. That there ought to be an union between the state and a church establishment I admit; but when the state unites with the church, she ought not to lend her strength to the church for the purpose of persecuting all who dissent from her tenets. If sectarists assume the cloak of religion for political purposes, and make their tenets the rallying point of disaffection, with a view either to overthrow the national establishment, or to do injury to the state itself, then ought restraints to be imposed, and disabilities to be created, which would not indeed be restraints upon religion, but restraints upon those bad purposes for which bad men would use religious differences as a cloak.—The simple question then for you to consider is this : Is the Catholic religion assumed by the Irish for such purposes? Are they actually traitors to the state, or does their religion dispose them to become so?

In answer to these questions you have their solemn declarations.—You have the oaths they have taken.—You have the evidence of their conscientious scruples, evinced by their refusal to take those oaths which are the only obstacles to their possessing temporal honours and power. You have their conduct.

Can you refuse to accede to the motion of my right hon. friend? It may be so: and I fear it will. But I would still inculcate the doctrines of patience and perseverance to the Catholics. Their disappointments have been great and numerous; inveterate prejudices may still exist, prejudices which I fear even the noble lord did not endeavour to dissipate, when he was in a situation of confidence, which would have entitled him to urge those reasons, by which he thinks the most adverse might be convinced. Yet, if patience can be preserved, the time will assuredly come when the Catholics will be admitted to their rights, in the enjoyment of the full benefits of the constitution. Then, and then only can be put forth the full strength of the empire.

Mr. *Canning*.—Sir; The hon. gent. in referring to former declarations made by different persons on the subject of the Catholic claims, has done me justice, in not imputing to me the charge of having entered into any pledge against that portion of his Majesty's subjects. But if I am not contented with that exculpation, I am glad of this opportunity to declare, in the face of this House and of my country, not only that on no occasion, directly or indirectly, remotely or by implication, did I ever give to any man, or any set of men, such a pledge; but that I have always kept myself, and consider myself at this moment perfectly free, on this most momentous question, to act according to the dictates of my judgment and my conscience, and have adopted no positive and invariable opinion upon a subject which appears to me to be in itself a question of policy, liable to many and great variations; liable to be influenced by considerations and by circumstances which the wisest cannot anticipate, nor the most powerful controul. I have never viewed this question as an abstract question, on which the right and the wrong are clearly and permanently ascertained, but as one upon which the final decision must be reserved until political expediency, as well as moral fitness, shall concur to recommend it. Earnestly, therefore, as I protest against being included in the number of those, if any such there be, who are pledged either in opinion or by engagement against the claims of the Catholics, I equally disavow any pledge the other way, and desire to retain a perfect liberty of conduct. I disclaim any inference that may be drawn from my having followed my late right hon. friend (Mr. Pitt) out of office in 1801, when he resigned on this question: I should have followed him equally on any other ground. My conduct on that occasion was dictated by political opinional attachment. I was neither of importance to be called upon to give, nor did I in fact give any pledge that I would not accept of office again except on certain conditions. I have accepted office since, at two different times: first, with my right hon. friend in 1804, on precisely the same principle on which I followed him out of office in 1801. The second time, on the formation of the present government, when I acted on what I conceived a true sense of public duty,—but not on the ground of any pledge whatever on this or any other public question.

As to the immediate question before the House, although I cannot vote for going into the committee, I do not mean at the same time to deny or disguise my opinion, that it would be highly desirable, highly conducive to the strength and happiness of the empire, that all the clashing and conflicting interests of Protestants and Catholics should be reconciled. I think, moreover, that, great as are the difficulties which now oppose such reconciliation, the time will most certainly come when its consummation shall take place. The present time I do not think ripe for its accomplishment. How is it possible for any man so to consider it, when one of the two contending parties is at variance within itself? It is not a little extraordinary, that Protestants should be expected to be of one mind as to granting every thing to the Catholics, when such a discordance of opinions reigns amongst the Catholics themselves, as to the terms on which such grant would be acceptable to them? It has been argued rather whimsically, that the granting party should be prepared to offer terms to the petitioning party: but surely it is for those who seek a concession in their own favour, to propose those means of security and those terms of arrangement, without which it is admitted on all hands that concession could not be rationally made.

My right hon. friends above have rested their opposition to the motion this night on this sole ground, the want of any adequate security, the absence of any definite suggestion on the part of the Catholics, in the room of that which was tendered ten years ago, and which has been since publicly withdrawn. To this single point the question has been this night narrowed by the right hon. mover himself, (to whose temper in the discussion of a subject calculated to excite so many angry passions, I must pay my humble tribute of applause;) but who, in my mind, has brought the question before the House this year, rather as a matter of duty, than of prudence; and with a full conviction, that in the present state of men's minds on both sides of the question, his motion must be unsuccessful. I am sincerely glad that my right hon. friends have been contented to meet the right hon. mover on this narrow ground in the present debate, abstaining from all those generalities respecting the nature of the Catholic religion, which have given to former discussions on this subject so hostile and angry a character. And it is no less a satisfaction to me, that on the other side, the question has not been urged on any abstract principle of right: a mode of argument, which, if it had been employed, I should have felt myself obliged, as much as the most bigotted Protestant, to resist.

To maintain the claims of the Catholics on such a ground, is in effect nothing less than to argue that there should be no national established religion at all: it is to argue against the policy of all nations, ancient or modern, with the political frame of which some system of religion, pure or corrupt, has invariably been associated and incorporated, to uphold and consecrate the civil establishments. The hon. bart. (sir J. Newport) who alone has insisted upon this argument of right, has not attempted to prove that this invariable system of national policy has been uniformly wrong. If, as the hon. bart. insists, it is the right of the Catholics, to be admitted to all the privileges and immunities of the constitution, it is injustice, it is tyranny to withhold them. A state, then, has no right to maintain its established religion by any exclusive privileges; and if the Catholics possess a right to be admitted to all privileges on the footing of the members of the established church, so do all the dissenters of every denomination. The necessary consequence of such doctrine would be, the destruction of all national religion, as such, and the establishment of unlimited sectarianism in its room.

The wiser advocates of the Catholic claims, however, have abstained from placing them on this ground; as, on the other hand, the opponents of these claims have desisted from those arguments drawn from the nature of the Roman Catholic religion, which, if pushed to their full extent, would go to prove not only the establishment, but the toleration of that religion, to be incompatible with the safety of a Protestant state.

I, indeed, agree with my right hon. friend who opened the debate this night (sir Wm. Scott), that the chastised and purified system of religion which we Protestants are happy enough to profess, stripped as it is of all the follies and corruptions with which the Catholic church is infected and incumbered, is in every view, moral or political, to be preferred to any other. But at the same time, I confess I cannot share all the fears which he expresses for the security of that Protestant church, if Catholics should be admitted into a more equal participation of the benefits of the civil constitution. The principle of "no faith with heretics," and the supposed unlimited power of absolution, have always been represented as the two great sources of practical danger from Catholics living under a Protestant state.—And upon these two points I confess the very able speech of an hon. baronet (sir J. C. Hippisley) who seconded the motion, (and which has been since published in the form of a pamphlet) appears to contain much substantial and consolatory information. It is, to my mind, clearly demonstrated by the reasoning of that speech and its accompanying documents, that there is no such danger from the operation of these supposed principles of the Catholic church, as we had been taught to apprehend.

I purposely forbear, however, from going at length into any discussion of this part of the subject, which the course of this night's debate does not appear to bring necessarily before us. My objection to the motion is of quite another sort. I object to it *in limine;* because, with all my professions of good will, with all my disavowal of hostility or suspicion towards the Catholics, I cannot see the use of agitating the question at present; I cannot see what practical approach is likely to be made to adjustment, by consenting to go into the committee now proposed.

No security or engagement is offered on the part of the Catholics. Their very advocates are obliged to come forward with censure against the Catholics, for withdrawing that security which on a former occasion was proposed to parliament in their name. The right hon. gent. who brought forward the motion, has indeed thought it expedient now to undervalue that former proposed security, and domestic nomination is now in his mind infinitely to be preferred to the Veto.—For my own part, I think that nothing less than the Veto should be accepted by the government.—With respect to the plan of domestic nomination, one thing is clear; that it must necessarily originate in the express consent of the sovereign pontiff, without which the contract could be binding only on one side. And how is his consent to be obtained, situate as he is known to be at present, under the controul, in the fetters of Buonaparté?—This suggestion, therefore, affords no facilities, removes no difficulties. It is not more easily attainable than the Veto; and it would be less efficacious if attained.—At least, then, it would be necessary to adjourn this question until the papal see should become free once more from the dominion of the ruler of France. Until then we cannot form any arrangement; nor even then could we accept of any security short of the Veto originally proposed. Such, at least, is, I confess, my present opinion; an opinion, however, which I shall be willing to re-consider whenever the opportunity of re-considering it to any practical purpose shall arrive.—But that some such condition is absolutely necessary, no man will doubt, who thinks, as I do, that of any adjustment between the Catholics and Protestants, mutual concession and mutual conciliation must be the basis; that such an adjustment, in order to be permanent, in order to produce any of the fruits of tranquillity, happiness and prosperity, which are expected from it, must not be a victory to one party or the other;—it must not be considered by one side as a successful struggle, nor as a forced concession to a rival by the other.—That the time for this greatly to be desired adjustment is not yet arrived, is my clear and decided opinion; although I certainly do not agree with some who have spoken in this debate, that the Catholic question has made no progress, or that the disinclination to entertaining it is as strong at this hour as at the period of its first introduction. Some progress, I think, has been made; many prejudices have been removed; and much of the asperity which attended the earlier discussions would have been done away entirely, had it not been for the unfortunate revocation by the Catholics of their own voluntary tender of two years ago. It is not unreasonable, that, after such a retraction, a more mistrustful jealousy should be exercised, and a more settled and perfect security required, as to any subsequent offers of arrangement. Hence, in part, arises that indisposition which unquestionably exists in the public mind at present;—which exists, not as has been vainly supposed, in one quarter only in this country, a quarter to which it is as unjust as it is unconstitutional to refer, as opposing the only obstacle to the settlement of this great question;—but which is diffused widely amongst the different classes of the English community; so widely, that concession at this moment upon this point would have the effect of shaking the general confidence in the legislature.

But while I believe this feeling to exist in such force at present, I believe it to be transitory. It will gradually pass away. I cannot point out the year, the month, or the day, when the period for dispassionate discussion and amicable arrangement will arrive. My judgment and my vote must, in the mean time, be guided by my own view of the circumstances of the question; if I contended for the Catholic claims on the ground of right, no time and no circumstances could vary or delay my decision.—But contending, as I do, for the right of parliament to withhold concession until it can be granted without danger,—but for the expediency of granting it when that danger shall be at an end,—I feel that I most conscientiously discharge my duty, in resisting, as I shall by my vote to-night, a premature an imperfect, a fruitless and hazardous attempt to do that, which, when it can be done fully and effectually, and with safety, because with general concurrence and advantage, I shall be among the foremost to recommend.

Mr. *H. A. Herbert* spoke in favour of the motion, after which the debate was adjourned to Friday, June 1.

HOUSE OF COMMONS.

Monday, May 28.

[PETITION FROM KINGSTON UPON HULL FOR REFORM IN PARLIAMENT.] Lord *Mahon* presented a Petition from the merchants, tradesmen, and principal inhabitants of the town of Kingston-upon-Hull and the neighbourhood, convened by public advertisement, setting forth, "That the petitioners, deeply sensible of the critical state of public affairs, and feeling that their last hopes are extinct if the confidence between the people and their representatives be done away, beg leave to assure the House, that they will support as far as lies in their power every just right and privilege of the Commons House of parliament; they conceive that rights and privileges are not merely conducive to the dignity of parliament, but to the liberties of the people, and are inseparable from the blessings of the English constitution; whether the power which the House has exercised of sending Mr. John Gale Jones to Newgate, and sir Francis Burdett to the Tower, be or be not legal, the petitioners do not venture to question; but they lament that the House has proceeded to this extremity of punishment, which, connected as it has been with the gift of a valuable sinecure, and another lucrative appointment to the right hon. Mr. Yorke, has greatly tended to alienate the respect due to the House; they therefore entreat the House to re-consider their resolutions on this subject, and to liberate, if to their wisdom it shall seem proper, the said sir Francis Burdett and the said John Gale Jones from their respective prisons; and the petitioners beg leave further to represent to the House, that if, by the law and custom of Parliament, the House has the right to imprison, for an indefinite time, any one who shall call in question the conduct of the House, or any member thereof, it is absolutely necessary that the constitution of the House should be as pure as possible, lest this privilege should become the instrument of oppression in the hands of ministers, who, as in the case of lord Castlereagh and Mr. Perceval, may make a traffic of that most important trust, a seat in the House; impressed with these considerations and various others, arising out of the heavy pressure of the taxes, the impunity to public peculators, the lavish gifts of sinecure places in possession and reversion, and the wanton waste of blood and treasure in fruitless expeditions; the petitioners humbly request that the House would proceed to the abolition of sinecure places, to controul the expenditure of the public money, and to adopt such wise and temperate measures of reform in the constitution of parliament as in their judgment are best adapted to give stability to the throne, dignity to parliament, and safety to the people."—Ordered to lie upon the table.

[IRISH NEWS-PAPERS.] Mr. *Shaw*, pursuant to notice, moved for a return of the number of news-papers, sent under the privilege of members of parliament, charged with postage to the Dublin Post Office:—"I now address you," said Mr. Shaw, "and in doing so, it is my wish, in as few words as possible, to state the grounds on which I have brought my motion.—For some time past there has been a difference between the clerks of the roads in the Post Office and the proprietors of news-papers, as to the hour of putting them into the Post Office, and certainly a conduct has been adopted towards them very different from what is practised by the Post Office in this country, but this I shall not now enter upon, as I understand the right hon. the Irish secretary in this House has pledged himself, to bring forward a bill immediately, to put them upon the same footing with this country. I shall therefore confine myself to the case as it affects my privilege, and that of other members. The law requiring a list to be signed and lodged in the Post Office, of the persons to whom we may have given permission, on our privilege, that law was fully complied with by me, and that list lodged in the Dublin Post Office accordingly, and the papers in consequence were forwarded; and I have repeated complaints from the proprietors, of mine being charged, by which I feel myself called upon to protect my privilege; and within this last month, in particular, the abuse has been carried to such an excess of oppression, that I have thought it my duty to bring the business before the House in this manner; and with the leave of the House

I shall now read several letters of complaint which will fully prove my statement.—I understand the proprietors have made repeated applications for redress, without any effect. It is not my wish to impute blame to any one, but I will now read an advertisement which has appeared in the newspapers, signed "W. Johnston," which will shew the feelings of the officers to the newspaper proprietors.—Mr. Shaw then read the circular notice, signed Wm. Johnston, clerk Ulster Road, and made the following motion: "That there be laid before this House, a return of the newspapers put into the Dublin Post Office since the 1st of May inst. which have been charged with postage, distinguishing those taxed for being put into the Post Office after 5 o'clock—those taxed for not having the stamp visible outside the covers—and those taxed for the alleged cause of want of privilege, together with the name of the member upon the papers so taxed."

Sir *H. Montgomery* rose to second, and to thank his hon. friend for bringing forward the motion; and he conceived him entitled to the thanks of every man in Ireland bringing the subject before the House. Sir, we are as fond of news in Ireland as the people of this country, and have as good a right to be informed of what is going on in the world, and particularly of the proceedings in this House, as any of his Majesty's subjects. He thought it extraordinary, that the situation of the office of postmaster general in Ireland had not been taken notice of by the hon. gent. opposite—(Mr. Bankes)—and the Committee of Public Expenditure. It was worse than a sinecure office, for duty was expected of it; but the post masters general resided in the city of London for more than half of the year, and the remainder of it at their country seats in Ireland, leaving the duty to be performed by the clerks, whose chief object it was to secure the entire transit of newspapers to themselves, and whose interest it was to throw every obstacle in the way of the proprietors and agents of newspapers, to prevent them supplying the public. He had every expectation that good would result from the zeal, energy, and talents of his right hon. friend the present secretary for Ireland—and from the reforms he has already made, every thing was to be expected in future.—His right hon. friend on a former debate acknowledged that the bonds of authority had been hitherto very lax over the board of excise in Ireland, and expressed his determination of pulling the string tighter. He hoped the right hon. friend would likewise take a more controuling power over another board under the same roof, which his right hon. friend knew required it full as much.—In respect to the post office department, sir Henry had to complain that his newspapers from England were purloined and opened, and his letters continually charged postage; he might be told that the money was always returned upon giving up the cover to the post office, but this was often impossible, as the envelope might contain the substance of the letter and also the signature. He mentioned this as an instance of inattention which never occurs in England.—I have also to complain that a memorial which I transmitted from a most respectable body of my constituents, respecting a cross post which had been withdrawn, and which they were desirous should be re-established, as yet remains unanswered, although it is seven months since it was received by the post-master general. Upon the whole I foresee great good will result from the present motion. My right hon. friend will examine into the details of the post office, and regulate them for the future; and on the papers called for by my hon. friend, he will, I hope, found a motion which will punish those who have been guilty of this breach of privilege, and prevent the same obstruction to the free circulation of newspapers in future.

Mr. *M'Naghten* justified the commissioners of the post office, and the postmasters general, and paid a high compliment to earl O'Neil.

Lord *Jocelyn* thought it would be better to apply to the two noble lords in Ireland.

Mr. *Grattan* concurred in the propriety of bringing this matter forward, but, generally speaking, the better way was, to apply to the post-master. He had often experienced the same inconvenience, by having his franks charged, but when he applied, he was always treated with the greatest attention and every wish to remedy the evil expressed (Hear, hear!)—Last year, he had had six franks charged, and it was absolutely necessary to put a stop to the practice. The editors had received many letters in consequence, making complaints of discontinuing the paper, in consequence of no remedy being afforded. As the object of the motion was to obtain that remedy, he would give it his hearty support.

Mr. *Parnell* said, the complaint against the post-office was for the general system on which the clerks of the roads had acted, as well as for a breach of privilege. They had been for some time endeavouring to secure to themselves the monopoly of transmitting newspapers to the country parts of Ireland. For a long period they were suffered to enjoy this monopoly, but their negligence in conducting the business was so great, that the editors found themselves called upon to take advantage of the law to protect the purchasers of their papers from their misconduct. This has given rise to a system of measures of the most illegal and arbitrary nature on the part of the clerks of the roads. They first of all, in violation of the law, limited the time for receiving newspapers into the office. They then imposed numerous regulations upon the editors, relative to the mode in which the privilege of Parliament was to be made use of. Even after these regulations were faithfully complied with, they have charged the newspapers as if sent without privilege. This has not been done accidentally, but generally. Almost every member who had permitted his name to be made use of, has reason to complain of a breach of his privilege. The hon. member concluded by saying, that it would not be sufficient to put a stop to these proceedings; those who have been guilty of them should be dismissed from their offices, as unfit any longer to discharge the duties of any public situation.

Mr. *W. Pole* had no objection to the motion, and observed, that he had had an interview with the noble lord at the head of the post office, and from the communication made to him, he had every reason to believe there would be no further grounds of complaint. It was the intention of his right hon. friend (Mr. Foster) to bring in a bill to assimilate the practice and regulations in the Irish post office to that of England. He rather believed that the complaints against the clerks of the post office were not without foundation, and they should be taught they were not to trifle with the feelings of the public; and as the matter was now in a train of regulation, under these circumstances he suggested to his hon. friend the propriety of withdrawing his motion for the present.

Mr. *Shaw* thanked Mr. Pole for his explanation, and would not under these circumstances persist in his motion. The editors of the papers had been charged with deceit, in taking what did not belong to them, on the ground of the privilege, from their subscribers.

The motion was then withdrawn.

HOUSE OF LORDS.

Wednesday, May 30.

[PRIVATELY STEALING BILL.] Upon the order of the day for the second reading of this bill,

Lord *Ellenborough* said, it was not without reluctance he rose to state to their lordships his objections to this bill; because he felt it ungrateful to oppose the wishes of those who were anxious to introduce this innovation into the administration of the criminal law. But, with all his deference to those who from the best intentions, were disposed to speculate upon our criminal code, and giving them credit for the greatest ingenuity in their speculations, yet he trusted their lordships would pause before they assented to the repeal of a law which had so long been held necessary for the security of the public interest, and which he was not conscious had in any instance produced any injury to the community. This bill was intended to mitigate what was called the severity of the law, and for that purpose took away the capital punishment inflicted by the statute of king William upon the offence of privately stealing in a shop. Much had been said about humanity, and no one was more disposed than himself to the exercise of clemency; still there was not the slightest ground for the insinuations that had been cast upon the present administration of the law. Before their lordships adopted such an innovation, it would be proper to consider what had been the practical result of a former bill of this description, which passed in a former session, and which mitigated the penalty of death for offences of privately stealing from the person. He was convinced not only from his own observation, but from the information of those who were most competent to estimate the result of any criminal statute, that the increase of those offenders had become enormously great since the punishment of death was removed; nay in the present state of this metropolis, where the frequent commission of picking of pockets had become so common, the truth of this position was proved by daily experience. It was now the practice with those who lent themselves to this felonious kind of industry, to study this mode of stealing, in preference to that of any other depredation. It was usual for an account to be transmitted from the secretary of state respecting the number of those convicted of capital punishments, and it appeared, from that account, as laid before the judges, that the crime of privately stealing from the shop was considerably upon the increase; and would their lordships at this time hazard the further increase of this mode of plundering the subject? In this metropolis, where the retail trade had become so great and so beneficial to the ends of commerce, and from whence such a considerable portion of the taxes was raised, it was the duty of the legislature to protect such property from being plundered. Indeed were the terror of death, which now, as the law stood, threatened the depredator, to be removed, it was his opinion, the consequence would be that shops would be liable to unavoidable losses from depredations, and, in many instances, bankruptcy and ruin must be the lot of honest and laborious tradesmen. It was alledged however, that the offence was such, as not to deserve so severe and sanguinary a punishment; but it would be recollected, that the observation would equally apply to other offences, no more heinous in their nature: against which, all must admit, that public expediency required the punishment to be severe, in order that thereby the frequent commission might be prevented. Such were the offences of horse and sheep stealing; and, indeed, it would be difficult to name any offence of this description, where we could oppose the crime with the sacrifice of human life. Man's life could not be weighed in the same scales. But after all that had been stated in favour of this speculative humanity, they must all agree, that the prevention of crime should be the chief object of law; and terror alone could prevent the commission of that crime under their consideration. Although the law as it stood, was but seldom carried into execution, yet the terror was precisely the same; and such were the minds of those upon whom it operated, that he believed the apprehension of no milder punishment would produce any thing like safety to the public interest. Besides, it afforded an opportunity sometimes of bringing [illegible] sober consideration of their [illegible] there were those who were so hardened, that scarcely any thing had a serious effect upon their minds, but the terror of death, those who had witnessed men under sentence of death must have known that a change in the conduct of individuals had been produced by their being alarmed at the terror impending over their existence. Therefore he was persuaded, in estimating the humanity of law, and looking to the quantity of human suffering, it would be more merciful, that the statute of William 3. should remain unaltered, because the terror thereby held out would prevent the frequency of the offence. It had been also urged, by those who were thus speculating in modern legislation, that a certainty of punishment should be adopted, and that it should invariably be proportioned to the magnitude of the crime, thus forming a scale of punishments proportioned to the degree of offences. But could this be effected? Would it be possible to frame a law, so that the punishment should be always applied in exact conformity to the nature, the extent and aggravation of the offence? He would, on the contrary, venture to say, that it would be found impracticable, and any attempt at framing such laws, he could satisfy the House (if it were not a serious subject,) would be perfectly ludicrous. There were always circumstances which aggravated or mitigated the crime, but it would be impossible to make them the subject of an act of parliament. There was an instance in point to which he begged to call their lordships attention—it was that of eight men, combining to commit burglary, in the neighbourhood of the metropolis; one of whom suggested they should first break the house of a man, with whom he had lived as a servant; and for which offence they were tried. Now, the offence of this man was considerably aggravated, by his first suggesting this crime, and by its being in violation of common fidelity, yet suppose the punishment should be described as falling upon a person, who should suggest the burglary, having formerly been the servant of the owner of the house, still there might be other circumstances of violence, or frequent commission, or it might happen that one of the offenders, as was the case he recited, was the father, and the other the son; all these were circumstances which could not be defined by any law, but must remain to be decided upon at the discretion of those who administered the laws. His lordship concluded by saying, he had consulted with the other judges, and they were unanimously of opinion it would not be expedient to remit the severity of this part of the criminal law, and in addressing himself to the House, he had represented their sentiments as well as his own. He moved "That the bill be read a second time this day three months."

Lord *Erskine* expressed his great deference to the opinion of the judges of the land, and considered himself bound at all times to venerate their decisions. In particular, he valued the sentiments of his noble and learned friend, and the great learning and ability with which he presided on the bench; but at the same time he entertained a great esteem for the legal knowledge of the hon. member who had introduced this bill, and especially after it had received the consideration of so many enlightened men in another place. He thought no imputation was due to the motives of those who supported the proposed alteration; nor did he believe it deserved the name of speculation.—The question was, whether it would not be more expedient to the public interest, and more beneficial to the criminal, that the punishment should be made proportionate to the general description of offences, with a discretion still left in the power of the judge to mitigate in particular instances, rather than to remain inapplicable to the general description of offences, and only be enforced upon extraordinary occasions?

The Earl of *Liverpool* observed that this subject was nearly connected with those objects which fell under his consideration, when he filled the office of secretary for the home department. The returns which had been made of the offenders, convicted of capital crimes, had led to several conclusions connected with the policy of the present measure. It appeared, that crimes of a more heinous nature had been upon the decrease, and that those of a minor tendency, such as the offences specified in this bill, were now increasing. He entertained the highest opinion of the motives which actuated the individual who introduced this bill, but he was not one of those who were disposed to find fault with the criminal law of this country. Whatever might be said of the theory of our law, no one could doubt but in practice it was the mildest on earth; and however sanguinary the statute-book might appear, it must be confessed the administration in any country was never so much tempered with mercy. He admitted that the distinction taken by the noble and learned lord (Erskine), that the punishment should suit the general description of the offence, was exceedingly plausible in theory, but he did not apprehend it would be found so in practice.

Lord *Holland* was sorry he should have omitted addressing their lordships in the outset of the present discussion. He had intimated to his noble and learned friend (lord Ellenborough), that he should be obliged to his candour for a statement of his objections to the principle of this bill; and in deference to his noble and learned friend, he had attended most anxiously to the observations which had been made, and particularly to the latter part of his speech, when he informed their lordships, that he spoke the sentiments of the learned judges. There was one admission, notwithstanding, made by his noble and learned friend, and also by the noble secretary, that this offence, of late years, was considerably upon the increase. Then did it not follow, that the severe punishment which had been inflicted, had not produced the effect calculated upon by those who would contend for its continuance? But what he lamented was, that their lordships should be carried away from the strict consideration of the principle of the bill, and diverted towards other questions of a different tendency. It had been represented, uncandidly, but not designedly, that the support given this measure was given by those who wished to introduce innovation, and speculate upon humanity. This he must contend was a misrepresentation of the motives which guided him, and his noble friends who approved of the principle of the present bill. There was no intention to alter the common law, but only to alter the effect of a statute; and if such were to be deemed an innovation, the same charge would apply to every amendment made to the statute law of the land. It was the opinion of every eminent man in this country who had written on the subject, and particularly of justice Blackstone, that the severity of the punishment produced difficulties in executing the law; for the prosecutor, the witnesses, the jurors, and even the judges, were backward in performing the extent of their duty. Such also had been the opinion of Dr. Johnson, and he need not, after such authority, appeal to any belonging to other countries. Dr. Paley had been quoted on the other side, and no man esteemed his writings more than himself; yet Mr. Justice Blackstone, on this subject, was an authority not to be exceeded, and so was that of Dr. Johnson. If matter of fact was important, he had also in favour of the principle Mr. Colquhoun, who had observed that the frequency of the crimes to which he was alluding, was owing to the severity of the laws. He would appeal to their lordships themselves, if they had not been sensible of the justice of this remark? Which of them had not known in their lives this offence go unpunished, because the individual offended against was too humane to prosecute, where the punishment was so severe? Who would prosecute when not confident that the poor offender would not thereby be deprived of his existence; and that his own conscience would not, in consequence, be rendered uneasy during the remainder of his life? It was well known the same kind of terror had affected the witnesses and jurors on the trial; and even judges were not free from its influence. Therefore, it should be considered more expedient to the public welfare, as well as more consistent with the feelings of humanity, that the severity of the punishment should be removed, whereby the probabilities would be increased that the offence would be prosecuted, and consequently be more likely to be prevented. The admissions made by his noble and learned friend, and by the noble secretary, clearly proved the inefficacy of the law, as it then stood, upon this subject. The noble lord spoke at considerable length, and with much animation and cogency of reasoning, in favour of the bill.

The Earl of *Lauderdale* supported the bill upon the ground of its expediency, both as to the general tendency of its operation for the public good, and as to the prevention of the commission of crimes. It was also to be considered that the legislature in the reign of William 3, had not intended the punishment which was now inflicted; for a crown then would be more than ten shillings in the present day. No one could doubt, that, if it had then been proposed to punish with death, the offence of stealing privately in a shop to the amount of four shillings, the proposition would not have been acceded to, on account of the sum, and yet the value of money was so changed, that we were now enforcing capital punishment for a sum, which would scarcely have amounted to half-a-crown in the reign of William. He could not acquiesce in the doctrine laid down by his noble and learned friend (Ellenborough), for the whole system of terror had proved inadequate to the prevention of crime.

The Earl of *Suffolk* spoke in favour of the mitigation of capital punishments; that consideration had alone prevented himself from prosecuting an old woman, who had stolen several articles from his dwelling-house in town.

The *Lord Chancellor* opposed the bill. He thought no provision could be made adequate to every offence, under its various circumstances of aggravation or mitigation. In the crime of sheep-stealing, during the short period he presided in the Common Pleas, a case occurred, where a whole family had been prosecuted and convicted for that offence; but it was attended with these circumstances, that the family were starving, and, in the cravings of their hunger, they made themselves liable to the penalties of the statute. But would any one dispute that the punishment ought not in that instance to be mitigated? Indeed, he should have been much worse than these poor criminals, if he had not extended to them the royal mercy. Still, how different was that from the offence of those who made a trade of stealing and killing their neighbour's sheep? He remembered also, with respect to horse-stealing, that an individual, who was tried for stealing a horse, was proved to have stolen about eleven; and that fifteen keys of turnpike-gates were found in his possession, whereby he could expedite the mode of plunder in which he was engaged.

The Marquis of *Lansdown* contended, that the practice and opinions of society and of courts of justice had been, for upwards of fifty years, at variance with the laws, and consequently had introduced the innovation which was charged against the present bill, which had for its object only to alter the law from enacting what was never enforced, to that which was the daily practice in administering punishments. The increase of the offences of privately stealing from the person was not proved, but the noble and learned lord had clearly shewn, there was now a greater frequency of prosecution for that sort of offence.

Lord *Ellenborough* made a very eloquent reply, and again contended most forcibly against the adoption of this bill. He was never anxious to court popular opinion, but was resolved on all occasions to discharge his duty conscientiously. The duty of judges was very great, painful, and arduous; and none could say but they were extremely anxious to extend mercy to every deserving case; and indeed they were entitled in this respect to more credit than was generally allowed them. Few of their lordships could estimate their feelings, or conceive adequately what they suffered, when they laid their heads upon their pillows, at an assize town, and had to reflect that the next day would impose upon them the painful duty of pronouncing upon several of their fellow-creatures their awful doom. Upon the whole, he was sure, if the severity of the laws as they now stood were remitted, that there were those who would proceed to the commission of the offences, not caring for the consequences even of conviction, because they would consider the punishment of the present bill little more than a summer's airing in an easy migration to a milder climate.

The *Lord Chancellor* put the question, that the bill be now read, and the house divided:

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The bill was consequently rejected.

[VOTE OF CREDIT.] The Earl of *Liverpool* then moved the order of the day for taking into consideration his majesty's most gracious Message. He was well aware that this was an occasion on which it was usual to inquire into the general state of affairs, and the condition of our foreign relations and alliances. As however notice had been given of several motions, the discussion of which would necessarily involve all these important questions, he should not now detain their lordships time and attention by the anticipation of any arguments which would, no doubt, be entered into at large, when the discussions to which he had just alluded to, should come on. He should therefore content himself for the present with moving an address to his majesty couched in the general terms used on such occasions, without pledging any noble lord to any particular opinion on any of these particular points.

Lord *Holland* agreed with the noble secretary of state, that other opportunities would soon present themselves of entering at full into these important questions. There was one point, however, and that a very delicate one, upon which he must beg leave briefly to touch on the present occasion; he referred to the state of the Spanish colonies. Rumours had been sent abroad respecting a design of declaring the independence of those colonies, and of their determination not to submit to the fate that might await the mother country. These rumours took their rise, most probably from French intrigue, or some mercantile speculations: but unfavourably as he thought of his Majesty's present ministers, he could not believe that they would give any countenance to such insinuation. Even the late government of Spain (the Central Junta), to whom many weaknesses and errors might justly be ascribed, had however promulgated two decrees, by which they had abrogated their colonial system, and declared their ultramarine possessions to be entitled to all the rights and privileges to which the provinces of the mother country were entitled, and that they should have a due share of the representation in their national assembly or Cortes. He trusted these resolutions would be faithfully adhered to, and that the government of the country would see the policy and the justice of admitting the Spanish colonies on the different parts of the globe to a due participation of their rights.

Earl *Grey* observed, that the address did not mention any allies to whom assistance was to be given. He wished to have some information upon that point, and also as to the amount of the vote of credit. He trusted the sum voted would not be wasted in expeditions such as those which had proved so disastrous to the country.

The Earl of *Liverpool* stated that the amount was 3,000,000*l.* A sum had been already voted for Portugal, and there were no other allies with respect to whom there existed any specific pledge; but it would of course be open to render assistance wherever it could be advantageously done. As to Spanish America, it was a subject of too much delicacy to dilate upon now, but it had engaged the attention of ministers, and he trusted that their determination upon the subject would prove satisfactory to their lordships and to the public.

The Earl of *Suffolk* made a few observations respecting Sicily; and lord Holland asked, whether Sicily was included in the vote of credit? which the Earl of Liverpool answered in the negative, there having been already a sum voted for Sicily.—The Address was agreed to.

HOUSE OF COMMONS.

Wednesday, May 30.

[Petition from Berwick upon Tweed, for Reform in Parliament.] Colonel Allen presented a Petition from the inhabitants of the borough of Berwick-upon-Tweed, in the Town Hall assembled, setting forth, "That the Petitioners have seen with great concern the glorious privilege of the people of this realm, by which an Englishman's house is declared to be his castle, most completely violated by the act of a servant of the House; and that although the Petitioners acknowledge that the House has and ought to have many privileges for the preservation of its dignity and the regularity of its proceedings, yet they humbly submit, that these privileges ought to be so defined and set forth, that no one may unawares incur the displeasure of the House; and that the acknowledgement made within the House itself, that the traffic in boroughs was as notorious as the sun at noon day, has filled the Petitioners with grief and indignation, more especially as they have seen nothing done for the reform of such acknowledged abuses; and they know that the hard earnings of honest industry are squandered away in inglorious and unprofitable expeditions, equally shewing the incapacity of those who planned and of those who conducted them; and that a member of the House, acknowledged by all parties to be a competent judge of what he alledged, has asserted that taxation has arrived at its utmost limits; and that therefore a most strict economy in every department of the state was absolutely necessary, notwithstanding which the Petitioners have seen a large sinecure place given to one who has in no respect performed any service worthy of such remuneration; and that, in the opinion of the Petitioners, those men who receive money from the public purse are not likely impartially to fulfil those duties of controuling the public expenditure which independent members of the House ought constantly to have in view; and that it would ill become the Petitioners to appear to point out to the wisdom of the House those measures that should be pursued to obviate and avoid such great grievances, but they beg leave humbly to suggest, that these abuses most forcibly shew the necessity of a temperate reform of the representation of the people in parliament; they also shew the propriety of the exclusion of placemen and pensioners from the House; and therefore praying the House to take the above premises into their most serious consideration, and to apply such remedies as to the House shall seem meet."—Ordered to lie on the table.

[Petition from Nottingham for Reform in Parliament.] Mr. Smith presented a Petition from the mayor, aldermen, common council, and livery of the town and county of the town of Nottingham; setting forth, "That the Petitioners, at a time when the eyes of the whole British empire are deliberately scrutinizing the proceedings of the House, beg leave most respectfully to direct their attention to a Petition which was presented to the House by Charles Grey, esq. (now the right hon. Charles earl Grey), on Monday the 6th day of May 1793, in which, amongst other allegations, it was averred, and offered to be proved, That the House of Commons did not fully and fairly represent the people of England; that the elective franchise was so partially and unequally distributed, that a majority of the House was elected by less than a two hundredth part of the male population; that 70 of the hon. members were returned by 35 places, where the elections were notoriously mere matters of form; that, in addition to the 70 so chosen, 90 more of the hon. members were elected by 46 places, in none of which the number of electors exceed 50; that, in addition to the 160 so elected, 37 more of the hon. members were elected by 19 places, in none of which the electors exceed 100; that, in addition to the 197 members so chosen, 52 more were returned by 26 places, in none of which the number of voters exceed 200; that, in addition to the 249 so elected, 20 more were returned for counties in Scotland, by less than 100 electors each, and 10 for counties in Scotland, by less than 250 each; that, in addition to the 279 so elected, 13 districts of Burghs in Scotland, not containing 100 voters each, and two districts of Burghs not containing 125, returned 15 more of the hon. members; that in this manner 294 of the hon. members were chosen, who, being a decided majority of the entire House of Commons, were enabled to decide all questions in the name of the whole people of Great Britain; that 84 individuals did, by their own immediate authority, send 157 of the hon. members to parliament; that, in addition to these 157 hon. members, 150 more, making in the whole 307, were returned to the House, not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals, who, being added to the 84 before-mentioned, made the total number of patrons all together only 154, who return a decided majority of the House; and that the Petitioners deeply deplore that the evils so emphatically pointed out in the Petition, from which the foregoing extract is taken, still continue to exist, forming a canker in the heart of the legislative government, which, by its corruption, is daily consuming the vital energies of the constitution; and that the Petitioners forbear, under the pending judicial enquiries into the legality of the privileges claimed and exercised by the House, to pronounce their sentiments, except to express their regret for the violence with which it was deemed necessary to enforce them; and the Petitioners trust, that, out of the present crisis may result an united determination in the House to restore to the nation the original purity of parliamentary representation; and that the Petitioners confide in the energies of the British constitution to remove such defects as, in the lapse of time, have crept into the representation of the people in parliament, and look up to the House for that reform in its structure, which can alone secure its dignity and independence, and fix it in the confidence of the people; and therefore praying, that the House will cause enquiry to be made into such defects as may be discoverable in the present construction of the House of Commons, and adopt such measures as to the House shall seem adequate for effecting a temperate and radical reform in the system of parliamentary representation."—Ordered to lie upon the table.

[MAJOR CARTWRIGHT'S PETITION.] Mr. *Whitbread* held in his hand a petition from major Cartwright, a petition from whom had been some time before rejected on the ground of one sentence in it, applying as it had been construed, in an insulting manner to an act of the House; that sentence was now altered in such a manner, as to prove that it formerly applied merely to the act of the Serjeant at Arms; in this form he now presented it. The part of the petition alluded to was then read by the clerk; after which it was ordered to lie on the table.

[IRISH INSURRECTION BILL.] Mr. *Wellesley Pole* rose to move for leave to bring in a bill to repeal the Irish Insurrection Act. The House would recollect that that act was brought in soon after the duke of Richmond was appointed lord lieutenant of Ireland, in the year 1807, and was only a continuation of the act of 1797, with certain modifications. It was stated, when the act of 1807 was brought in, that such had been the state of Ireland during the lord lieutenancy of the duke of Bedford, that the government of that day did not think they would be justified in undertaking to secure the tranquillity of that country, unless they were armed with the powers of the insurrection bill; and that accordingly a bill of that description was prepared, though not brought into parliament before his grace went out of office. (Mr. Ponsonby said across the table, that the right hon. gent. was not correct.) Mr. Pole said, that he might be mistaken, but he understood that when the duke of Richmond succeeded to the office of lord lieutenant lord Wellington found in the office the bill already framed by the former government. But however that fact may be he only meant to say, that from the period of 1796, when the bill was originally passed, to 1807, when the act now in existence, which was brought in to continue it, the different governments of Ireland felt that they could not undertake to insure the tranquillity of that country without having in their hands such a dormant power as this bill afforded. Those governments, in his opinion, acted wisely, because, under the circumstances of the times it was indispensably necessary that they should be vested with such a power in case of any great emergency. But he thought it right to state, that so anxious were all the governments of Ireland to give the people of that country all the benefit of the constitution, that from the time of lord Hardwicke's lord lieutenancy to the present moment the powers granted by this bill had never been resorted to. During lord Hardwicke's government it had been put in force in one or two instances only, but never once during the governments of the dukes of Bedford and Richmond. He did not mean to say that because the act had not been enforced, it was therefore, not necessary that it should have remained upon the statute book, for the very circumstance of its being continued there was perhaps the cause of the degree of tranquillity that prevailed; but during the period to which he had alluded it had been found necessary to appoint special commissioners, in consequence of temporary disturbances. He also thought it necessary to state, that instances had occurred during the period alluded to, in which applications had been made by several gentlemen to put the act in force, and to proclaim it in different parts of the country in which disturbances had prevailed; but government had always resisted those applications; they had caused investigations to be made, and had found that they could restore and maintain public tranquillity without having recourse to this act.

The act now in existence was passed, as he had already stated, in 1807, and would expire at the close of the present session of parliament, it therefore became the duty of the Irish government to investigate the state of the country, in order to ascertain whether they could, with due regard to the public safety, and with justice to the loyal and well disposed people of Ireland, determine not to renew the act. It was with the most sincere pleasure then he could state, that the government of Ireland, after the fullest consideration they could give the subject, had felt themselves justified in coming to the conclusion, that the continuance of the act was not, under the present ciscumstances, necessary. Many representations he was perfectly ready to admit had certainly been made to the Irish government upon this subject from loyal and well disposed persons, who thought it was running a geat risque to repeal this act, but he thought that the government having, upon due and mature consideration, come to the conclusion, which he had mentioned, they ought not to shrink from the responsibility that would necessarily belong to them for carrying that resolution into effect. Nothing certainly but the most urgent necessity could justify the enacting such a law; and that that necessity had heretofore existed, experience had fully manifested. He was happy however to state that such was the tranquillity which at present prevailed in Ireland, and such was the improvement in civilization which had taken place, that the government felt that it could proceed on safely without the continuance of this law. No lover of the constitution could, he was persuaded, wish to see such a law upon the statute-book, unless the circumstances of the times rendered it indispensably necessary.

The act in question, however, in addition to that part of it which might properly be called the insurrection act, contained some provisions to which he begged to call the attention of the House, because, in his opinion, it would be proper to re-enact them. The provisions to which he alluded, and which he thought ought to be made permanent, were those, which punished the taking and administering of unlawful oaths, and which were consonant to the act of the 37th of the king, in this country; making the administering or taking of unlawful oaths a felony, punishable with transportation, unless, in the latter case, the person took the oath ignorantly. There were other provisions too in this act which perhaps ought to have formed a separate act for protecting witnesses and magistrates. These provisions enacted, that if any person gave information, and should be murdered before the trial came on, the information should be received as evidence on the trial, or, if a person so giving information was secreted before the trial, and kept out of the way, and it should appear upon inquiry that he was secreted by the person accused, then that his information might be used in the same way. They also gave powers to the grand juries to levy a sum of money, to be paid to the representatives of any witness or magistrate murdered under these circumstances. He hoped therefore that there would be no objection to the re-enactment of those provisions in the bill which he proposed to bring in.

There was another act also to which he wished to call the attention of the House—an act which was brought in at the same time with the present insurrection act, and which had caused much discussion in that House—he meant what was called the Arms Act. He believed that every gentleman would admit that the provisions for registering of arms should not be given up, and that the power of searching for arms should exist somewhere. But the act, as it at present stood, was liable to very great objections, which he proposed to obviate. By the act, as it now stood, any two magistrates might upon suspicion search the house of any individual for arms at any hour, and one magistrate might upon information, search in the same manner or delegate a power to another person to make the search. These were unquestionably strong powers, which might in their execution become the source of much vexation and individual hardship, and ought therefore not to be suffered to exist, if the object of enacting them could be attained without resorting to such harsh means. Now it appeared to him, that this act might be so modified as to remove these objections, and to prevent its trenching upon the liberty of the subject more than the absolute necessity of the case required. He should propose that no magistrate or number of magistrates, should have the power to search except upon information on oath, or in a case that they had such ground of suspicion as might make it desirable to search a district for arms: and that in that case, they should send their information to government, in order that it might determine whether the search should be made or not. If government should determine that a search ought to be made, then he should propose that a warrant should be sent by the lord lieutenant authorising and directing such search. This provision would, in his opinion, be sufficient to guard the subject from any wanton exercise of authority.

He was afraid, however, that one great objection would be made to this regulation, viz. that by the delay which it would occasion, the opportunity of preventing the mischief might be lost. He did not, however, think that the delay would be so great as to prevent a sufficient and effectual search from being made, and he trusted that the law was not so weak that it could not remedy any evil that might result from the adoption of the measure which he should propose. He was convinced that the advantages which would result from shewing the people that government determined to give them as much liberty as possible, consistent with these precautions, which were necessary for the general safety, would more than counter-balance any evil that might result from this provision. There was another part of the insurrection act which he proposed likewise to alter. By that act as it now stood; if any person conceiving himself injured by the act of a magistrate should apply to the law for redress, and the jury should give a verdict in his favour, the judge had the power of declaring (if the facts of the case appeared to him to warrant him in so doing), that the magistrate had a justifiable cause for what he had done, and in that case the person suing, although the jury had found in his favour, was only entitled to sixpence damages and no costs. But if the jury should find in favour of the magistrate he was entitled to treble costs. This clause, was, he had no doubt very necessary when it was enacted, but as the necessity of it did not appear to him any longer to exist, he should propose to repeal it and in future to place both parties on an equal footing. In the present improved state of the country he did not think it required such strong measures for the protection of magistrates. It did not appear to him necessary to occupy any more of the time of the House at present, but he was and would at all times be ready to give any explanation which gentlemen might require. He should therefore sit down, declaring that he never in his life felt more pleasure than when he had an opportunity of making up his mind under the mild and beneficent directions of the duke of Richmond, to relieve the people of Ireland from the insurrection law, even though that law had not at any recent period been carried into execution. Mr. Pole then moved for leave to bring in the bills.

Mr. *Hutchinson* took the opportunity of thanking the right hon. gent. and the government of Ireland, for their measure, which was founded in wisdom; he hailed with joy the spirit of putting reliance in the people of that country and of treating them with candour; he was sure that the House would feel the greatest gratification at the various statements which had been made.

Mr. *Ponsonby* said, that he believed the bill would cease to exist at the close of the session; he therefore did not see the necessity of going through the affectation of repealing it now. With respect to the statement as to the conduct of the administration of Ireland under the duke of Bedford respecting this bill, the right hon. gent. had been most unfounded in his assertions upon that subject. He would not, however, now enter into a discussion of the misconceptions of the rt. hon. gent.

Mr. *M. Fitzgerald* gave his hearty concurrence to the motion; but he wished to know whether the acts which he proposed to bring in were to be permanent.

Mr. *W. Pole* replied, that he meant to propose the bill for altering the arms act should continue only for two years, and the other to be permanent.

Sir *J. Newport* congratulated the House, and this country on the present state of Ireland; he was sorry these measures were not resorted to before, as Ireland deserved all the benefits which British laws and the British constitution can bestow.

Leave was then granted to bring in the bills, which were brought up by Mr. W. Pole, and read a first time.

[IRISH BUDGET.] The House resolved into a Committee of Ways and Means.

Mr. *Foster* rose and said, that it was his duty on that day to submit to the consideration of the committee the amount of the supplies voted, and of the ways and means he proposed to recommend for the service of the present year in Ireland. In doing this, it would be necessary for him to state the situation of the finances of Ireland, at the beginning of the year, in order to shew how the consolidated fund stood at that period, and what sum was applicable to the service of the current year. On the 5th of January 1810, the account stood thus.

ARREARS AND BALANCES—Jan. 5, 1810.

Consolidated fund on that day in the treasury of Ireland		£.1,365,000	
Unpaid of the British Loan		424,000	
			1,789,000
Out of which was to be deducted—			
For Quota for the year 1809, due to the British treasury		1,379,000	
Also demands remaining unpaid, viz.			
Commissioners of 1st Fruits	25,000		
Ditto Bogs	2,000		
Ditto Inquiry	2,300		
Ditto inland navigation	138,600		
Outstanding debentures, lottery prizes, and treasury bills	28,700		
	£.197,000		
But of this sum not more than the first three items, and 70,000*l.* of the fourth, would probably be required in the course of this year		99,000	
			1,478,000
Surplus of consolidated fund therefore remaining applicable for services of the current year			£.311,000

He now came to the expences of the year, which would be found in these

CHARGES.

Interest and Sinking fund on the public debt in Ireland	£.3,974,000	
Quota of 2-17ths of 52,185,000*l.* the total supply of Great Britain (6,106,000 British)	6,614,000	
Treasury bills charged on aids of the year	541,000	
		11,129,000

To supply this sum, he should in the first place take the revenue of Ireland at five millions. This was a large sum; but when he considered that the revenue of Ireland had increased half a million last year, he felt justified in taking it at that amount. Last year however, the revenue was only 4,500,000*l.*; but then it must be recollected, that, owing to peculiar circumstances, the distilleries fell one million, and produced, instead of 1,200,000*l.* only 200,000*l.* To compensate in some measure for this defalcation in the excise, there was an increase in the customs, on rum and foreign spirits imported, amounting to one-half more than at any former period. Besides it was to be presumed that the opening the distillation from grain in Ireland, would add considerably to the amount of the revenue on home made spirits. Upon the whole, therefore, he felt justified in taking the gross amount of the revenue of Ireland at the sum he had stated for the current year. The ways and means then to cover the charges already specified were—

Annual revenue	5,000,000
Loan of four millions, British, equal to Irish currency	4,333,000
Loan of four millions four hundred thousand pounds, British, equal to, Irish currency	1,516,000
Surplus of the consolidated fund applicable to the service of the present year	311,000
Making a total of	£.11,160,000
From which deducting the amount of charges already specified	11,129,000
There would remain an excess of ways and means, above the charges, of	31,000

Having thus stated the amount of the various items of charge and ways and means, he now wished to call the attention of the committee to the general state of the finance of Ireland. The two loans were unquestionably of such an extent, that he could most sincerely have wished they could have been avoided. But, heavy as they were, he trusted gentlemen would think it more expedient to adopt such a measure, than under existing circumstances, to load a country like Ireland with so great an amount of new taxes. He most readily admitted that it would be desirable, if practicable, to raise as much of the supplies as possible within the year: but as Ireland had but small capital, and was increasing in her manufactures, such a measure by withdrawing capital from the operations of industry, might have the effect of repressing the enterprising spirit which led to the improvement and growing progress of manufactures in Ireland. The committee would therefore agree with him, that it would be desirable to resort to the mode of meeting the supply by loans, and of providing by taxes for the interest and sinking fund only. The sum necessary to be provided in the present year was but 331,269*l.* It was with great satisfaction however, he had to state, that though the charge upon the revenue had increased, yet the revenue had increased in a higher proportion. The excess of the debt in the present year over its amount in 1802, was less in proportion than the excess of the revenue at present over the amount of the revenue in the year 1802. The sinking fund, too, which, at its first establishment in 1797, was only one hundredth part of the debt, was at present the 71st part of it. Besides, there was no unfunded debt, with the exception of 114,000*l.* treasury bills, which accompanied the loan this year, and which did not exceed the amount issued last year. The exports and imports, if they had not increased, had certainly not in any considerable degree decreased, so as to be deserving of any serious notice. The export of linen had decreased 400,000*l.* but that deficiency had been made up for by an increase upon different other articles. Hides and skins, and linen, and worsted yarn, had decreased in the exports, which was a proof of the increasing prosperity of the country, when the raw materials were kept to be manufactured in the country. The export of corn had never been so large as last year; and the quantity of ground tilled this year afforded, in the event of a favourable season, a prospect of a most abundant crop, a source of wealth to that country, and a necessary supply to this.

In adverting to the state of the trade of Ireland, he had only stated the mere official value. The real value of the exports would show its growing prosperity in a much more satisfactory light. The real value of the exports in 1800 was five millions; in 1802, a year of peace, eight millions and a quarter, and on the average of 1808 and 1809, twelve millions. The real value of British exports in the same years were, in 1800, forty millions; in 1802, forty eight millions; and in 1809, forty five millions, being an increase of one-ninth only, whilst the exports of Ireland had increased full 7-15ths; so that on that head there could be no grounds for despondence. He had next to submit to the committee, the ways and means by which he proposed to provide for the charge of the loan of the present year, which, including management, interest and sinking fund, was but 5*l.* 13*s.* 3*d.* per cent. and amounted in the whole to 331,269*l.* He proposed in the first place, to assimilate the revenue of the post office of Ireland to that of Great Britain, by adding one penny to the postage of every letter, which he estimated would produce 35,000*l.* The duties on tea he meant to raise to the same amount as they existed in this country, with the exception of a small per centage, suppose 3 per cent. to indemnify the Irish dealers for the expence of coming to London for their teas. This, with an addition he proposed to the duties on currants and raisins imported into Ireland, which he took at 10,000*l.* would produce 70,000*l.* He intended to raise the stamp duties on receipts in Ireland to the same amount as in this country, and the duty on advertisements, which in this country was 3*s.* and in Ireland but one, he proposed to raise to two, which he expected to produce 30,000*l.* The duties on wines he meant to increase by adding twelve guineas per ton on Port and Spanish wines, and 18 guineas per ton on French wines. A guinea a ton, would be just one penny a gallon, and 12 guineas per ton would therefore only be 12*d.* a gallon, or 3*d.* a bottle; this addition would produce 100,000*l.* As this last was a duty which would principally fall upon themselves, and the description of persons best able to bear it, he trusted gentlemen would readily concur in its expediency. The next item he had to propose would be matter of regulation relative to storage, from which he expected 18,000*l.* He had only to add one other augmentation of an existing tax to put the House in possession of the whole of the ways and means he had to propose; and that was to add 50 per cent. to the window tax in

Ireland. Houses having less than seven windows were exempt from the duty; and as even with the addition proposed the tax would be less than was now paid in Scotland, he was convinced that no gentleman could object to it. This he should take at 85,000*l.* being rather less than one-half of the present produce of the tax. The general result would be, as the committee would perceive, that the ways and means he had stated, viz.

Post Office	£35,000
Customs on Tea and Currants ...	70,000
Stamps	30,000
Wines	100,000
Regulation of Stores	18,000
Window Tax	85,000
Would give a total of ...	£.338,000
The Interest and Sinking Fund on the Loan of 5,400,000*l.* British, borrowed this year, was, as he before stated, 305,787*l.* British, or	331,269
Leaving a surplus, untouched, over what was fully sufficient to satisfy the interest, of	£.6,731

He concluded, by moving a string of resolutions, for imposing these new taxes. On the first resolution being put,

Sir *John Newport*, before he should enter upon the consideration of the new taxes, called the attention of the House to the circumstances of Ireland, at present as compared with former periods. He did this, in order that they might not be deluded into a state of self-deception; but, being aware of the difficulties that awaited them, prepare to face them fairly, before they were obliged to call on the people of Ireland or England to extricate them, by the imposition of most grievous burdens. In making this comparison, he objected to taking the period of the Union as a fit criterion. The country had just then emerged out of the rebellion of 1798, which had unsettled the minds of men, and laid their trade and commerce under great temporary disadvantages. The fairest way was, therefore, to go to an anterior period of tranquillity, and he would, therefore, assume the year 1794, as a year of peace, and immediately before the breaking out of the French revolution. From the comparison with this year, he would shew what progress Ireland had actually made, and what a statesman might, at that period, have been warranted in looking to for the public service. In 1794, the debt of Ireland was 1,642,840*l.* of which the interest, 114,000*l.* was all paid in the country. In 1800, the debt had arisen to 23,100,000*l.*, interest 1,238,000*l.* of which 500,000*l.* was paid out of Ireland. And in 1810, January last, the debt was 81,000,000*l.* and the interest 3,942,000*l.* out of which nearly 2,500,000*l.* was paid in Great Britain. In 1800, the income was 2,760,000*l.* in 1808, 4,417,000*l.* and in 1810, 4,280,000*l.**—Thus there was no proportion between the increase of debt and revenue. The deficiency of the latter he imputed in a great measure to the immense sums expended in the management of public money. In general, the more the revenue increased, the proportion of the charges of management was less; but in Ireland, the reverse was the case, and the greater the revenue became, the more in proportion were the charges augmented. They were now as two to one of what they were in 1800. The surpluses in the various years would still more illustrate the state of the country. In 1800, the surplus was 1,500,000*l.* in 1807, 765,000*l.* in 1808, 1,017,000*l.* and in 1810, only 338,000*l.* Going on in this way, even if the taxes were as productive as the right hon. gent. supposed, but of which he was very doubtful, as some of them, particularly that on wine, has been tried and failed in 1805, with a decreased revenue, they would shortly come to the crisis, with observing upon which he had begun what he had to offer on this occasion. With respect to the exports, he also objected to the year 1800 as a criterion, as in that year, from the depression already noticed, they were one million less than in 1792. In 1792, they were 5,817,000*l.*; in 1809 only 4 million odds; and in 1810 not more than 400,000*l.* above what they were in 1792. Thus standing matters, he could enter into no computation of ideal values put on by the Inspector-General. When in office, he had frequently held different opinions from him, and found that his judgment was not invariably to be taken as a standard. As for taking the Dublin Exports as the criterion, that was as absurd as it would be to take the London price of corn as the general standard for the exportation of that article throughout the country. He begged not to be misunderstood on this topic: he considered Ireland as productive, beyond the most sanguine hopes that could be formed. He considered her to be rapidly increasing in internal cultivation, in trade, in enterprise, and in commerce; insomuch, that he looked to her, in futurity, as ministering to the wants of this country, from the abundance of her produce.—He had recommended the measure of permitting the coasting trade, in corn, between the two countries; and experience had proved that it was founded in wisdom;—for, last year, the export of Ireland, independent of other grain, was, in oats alone, 782,000 quarters, or five times the amount of what it was in the year previous to removing the bar, 1805. He trusted this would induce the House to throw down the remaining impediments, and make the ports of the two countries as one grand depot, of every species of merchandize, for the United Empire. If so, 7-10ths of this country's whole demand in grain, so far from being to seek in foreign ports, might be expected from Ireland. Besides this increase, he had the satisfaction to notice a corresponding increase in bacon and pork. He would now proceed to the consideration of the new taxes, but first begged to put the House on its guard against any expectation of increase in the revenue to provide for the interest of the loan, after the disappointment they had suffered last year. The right hon. gent. had then calculated, that the prohibition of the use of raw malt in the distilleries, would produce 248,000*l.* He had expressed his surprise at this extravagant calculation, and the event proved he was right, for the measure produced only 50,000*l.* It was somewhat similar with the spirit duties, which were to produce 92,000*l.* but did not raise one shilling. It was from these failures that they were now compelled to provide for two years instead of one. —The right hon. gent. took the revenue at 5,000,000*l.*: he was at a loss to know on what data he proceeded, as at no time previous to last year had it ever amounted to so much; and last year, as he had already stated, the new measures entirely failed. It could not be founded on an expected increase of the distilleries, as whatever was gained under that description, would be counterbalanced by a loss in the customs, on the importation of foreign spirits, The first of the new taxes enumerated was the addition on the postage of letters. In 1805 the right hon. gent. had tried this, in spite of all his endeavours to shew him, that, in finance, it was not always that 2 and 2 made 4. It was true, the revenue of the Post-office had since increased; but, he contended, it was not in consequence of the addition then laid on (on the contrary, it would have been more, had only one half been imposed), but from other general causes. The right hon. gent. was mistaken in thinking, that, because a tax produced in this country, it would also be productive in Ireland. A rich country might support that which, in a poorer country, would cause a decrease; and this, he believed, would be the fate of this tax;—which, by diminishing the correspondence in Ireland, would lower the revenue from what it now was, rather than augment it. With respect to the 2nd item, the additional duty on tea, he was equally surprised at that. Why would the right hon. gent. chuse this period to lay another impost on the main pillar of the customs? It had decreased 60,000*l.* in 500,000*l.* last year, and yet this was the time chosen to add another burden to a failing duty, in order to render it more productive. As for the raisins and currants, they were not worth adverting to. It was well known that those articles only would be productive in taxation which were the consumption of the people. Now, it was acknowledged and known, that these articles formed no material part of the consumption of the Irish nation. They were not so fond of puddings, &c. as the people of this country: and even those who could afford it, seldom had them used in dishes for their tables. With respect to the additional duty on receipt stamps, he thought it the most injudicious tax that could be devised.—Already this tax was so much eluded, that it did not produce one tenth of what it ought to produce. Why then augment it, and give another inducement for defrauding the revenue? The rise on the newspaper advertisement duty, too, in his opinion, would defeat its own object; for even at the present duty, two thirds of the business of the country was done by the circulation of hand bills; a practice which would, in consequence of this new imposition, be more gone into. He was so convinced of this, that he would pledge himself, that, with the new duty, the revenue would be less than it was at this moment. He now came to the wine duty; and really would have thought that the experience of 1804-5 would have taught the right hon. gent. to abstain from that tax. At that period he had been, with difficulty, dissuaded from laying on a duty to the extent he intended, on the statement of a very intelligent merchant, a member of the House, who declared that he would thereby deteriorate the revenue. To a certain degree he had yielded to these representations, and laid on only one half of what he had proposed.—The consequence was an astonishing decrease of revenue; and it was three years before it amounted to the point from whence it set out; and again it had diminished. In 1800 the duty on Port amounted to 277,470*l.* and in 1810 to 196,700*l.* being a decrease of 80,000*l.* In French wines there was an increase of about 3,000*l.*; and also, in Spanish wine, of 50,000*l.* On the whole, the decrease was 10,000*l.* With this before his eyes, how could the right hon. gent. calculate on this new duty producing 100,000*l.* or rather more than one fourth of the present produce? With respect to the storage duty, it was not worth attention, and he would only say, unless better regulations were adopted in that matter, it would only turn out a burden upon trade, without benefiting the revenue. The last of these taxes was that of 50 per cent. addition on windows. This might produce what was expected, for two or three years; but it would be a heavy burden on persons living in towns, and small shopkeepers, with houses having more than seven windows. He was desirous that all taxes laid on might be productive; but it surely could not be the wish of parliament to lessen the comforts that the lower orders enjoyed. What he had said on these points were mere suggestions.—He did not mean to urge any captious objections to the taxes proposed by the right hon. gent., but to put the actual state of the case before the House, and not allow them to be buoyed up with false expectations. The right hon. gent., in addition to this, had stated, as one of his consolations, that there was no floating debt in Ireland. This was true, nor would the circumstances of the country admit of such a thing. Having stated this much, he begged pardon for a few moments longer, while he pointed out what might have been and what might be made available for public purposes, before new burdens were laid on the people. The renewal of the bank charter might have been granted at a rate which would have produced a fund for the service of the country; but, instead of that, it was given away almost gratis, for the loan of one million, at as high a rate of interest as it would have been lent to individuals, and for a small alteration in the management. A sum greater than at present might be received out of the duties on wrought iron imported from this country. The 10 per cent. custom duty ought to produce 53,000*l.* but, instead of that, by some mismanagement, it produced only 17,000*l.* He called on the right hon. gent. to turn his attention to this subject. The only other circumstance of this kind he would now notice, was the great balance remaining due from dead and dismissed collectors.—The amount was immense; and, from knowing that many of the sums might easily be recovered and applied to the public use, before new taxes were devised, he could only impute their long out-standing to the remissness of the agents and solicitors employed. In mentioning these balances, he begged to be understood as meaning nothing invidious to any individual. In the list he found

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* Debt increased as 7 to 2—Revenue increased as 3 to 2.

Mr. Finch, uncle to the earl of Clancarty, for Galway.........	£. 11,000
Mr. Shaw of Cork, with Mr. Luke White for his security........	7,400
The late Mr. Lysaght, who died in 1799, without children, and leaving great personal property, lord Lisle his security and executor......................	9,500
Mr. Connor, Cork..................	19,000

Mr. Connor, he understood, had been brought back from Scotland, (after carrying off 70,000*l.* besides the above,) and imprisoned, but since set at large. Why was this? Was it that he was as noted for his loyalty, as his two other brothers were in another line?

Mr. Moore, of Marlborough.......	21,000
Mr. Augustine Fitzgerald, with lord Longueville for his security.	8,500
Mr. Harrison, of Ennis..............	1,100

Many of these he was sure might be very readily got; and though there were many others which in a list he had seen of the solicitor's were termed desperate, in contradistinction to those he pronounced to be sperate, but from which nothing but hopes had yet arisen, he believed the solicitors took no steps but to keep the suits alive, and take the expences out of the public purse. Mr. Welsh, of Naas, was another; but the crown had a lieu on an estate he had sold. And he (sir John Newport) trusted they would not enable the titles to be made out, till the balance was discharged. He again guarded himself against meaning any thing invidious. He had only done his duty in pointing out what might be recovered for the public use, before direct taxes were resorted to. Also to direct their attention to the enormous expence of management in the public money, to prevent embezzlement, or making away with the money in their hands. He was aware the right hon. gent. had to struggle with the delays of law; but there were excuses made by the solicitors and agents, which ought not to be admitted. The growing debt, in proportion to the revenue, filled him with apprehension; and, he feared, if not timely looked to, it would come to an alarming height hereafter, and be more difficult to overcome. The quota charged on Ireland, by the Union, was too much. It might be said, the bargain was made, and they must abide by it. This was true: but a better bargain might have been made; and, if it was a bad one, the loss, in the end, would fall on those who imposed it. The right. hon. gent. concluded with a warm recommendation of residence, in the country, to the gentry of Ireland, as the surest means of promoting her prosperity and happiness.

Mr. *Shaw* (of Dublin,) with reference to the case alluded to by the right hon. baronet, of Mr. Shaw, the collector, stated that on the day of his death the balance of his accounts with government was transmitted to him (Mr. S.), but some surcharges having been made, the widow and family wished to settle the account; and when the arrangements should be made, the balance was ready to be paid in, whatever it may be.

Mr. *W. Pole* stated, that there were some difficulties in settling the accounts of Mr. Shaw: but he had directed the necessary inquiries to be made, and expected that the accounts would shortly be made up. The right hon. gent. bore testimony to the statement of the hon. member as to the wishes of Mr. Shaw's family to pay up the balance.

Sir *J. Newport* disclaimed any idea of imputing unworthy motives to the late Mr. Shaw.

Mr. *Foster* replied to the observations of the hon. baronet, with respect to the deficits in the collection of the taxes. As to Mr. Trench's deficit, that was sued for, and the jury struck off 11,000*l.* Means were taken to remove fictitious charges, and to insure, in future, the paying into the treasury weekly the receipts of taxes; to ascertain the exact amount of the collection of the receivers, for which purpose a bill had been brought in last session. In consequence of this proceeding on the part of government, the public may rest assured that perfect security would be had for the due observance of the provisions of the bill. The right hon. gent. quoted from a paper of returns in the customs, to shew that a sum of 11,000*l.* only was due out of the aggregate of the collection. with respect to O'Connor's deficit, there was reason to believe that great part of his debt was fictitious. As to Mr. Shaw, the surcharges were in a great measure vexatious. The right hon. gent. then defended the year of criterion (with respect to the receipts of the revenue) which he had taken and contended, that from the year 1800 the revenue had continued to rise progressively, until it arrived at the amount he had previously stated. The duty on malt last year produced 400,000*l.* when there was not a still at work, of course that sum was produced by the breweries alone. The amount of the sums in former years by the working of the distilleries and breweries was at 370,000*l.* therefore, when he stated that the duty on malt had increased, he had stated no more than truth. As to the post office, the revenue in that respect was productive. In the wine duties the increase was great, and although the article of port, as stated by the right hon. bart, was deficient in product, he could account for that by stating that at the Custom-house the merchants in some instances had entered Port as Spanish wines. Having made these few observations in reply, he assured the right hon. bart. that if he had any taxes in lieu of those proposed, he would gladly adopt them, if convenient to the public service.

Sir *J. Newport* thought Mr. Trench's balance should have appeared in the public accounts. As to Mr. O'Connor, it was he must observe an imputation on the government to allow the errors in the accounts of collectors to remain.

Mr. *A. Baring* considered the Irish loan as a most enormous burthen to this country, and suggested to the right hon. gent. in future to borrow the sum which he might want for the service of Ireland, in that country. The practice of borrowing money in England he condemned as destructive, because the burthens which the people of Ireland would bear in consequence, would be to be paid to the English creditor. He thought the terms proposed for the last loan in Ireland were fair, and government should have acceded to them.

Mr. *Foster* stated, that the loan was offered in Ireland with a view to raise as much of the sum wanted there as possible. The policy had always been so to raise it, but it had been found that the terms on which the sum might have been raised in Ireland were higher than the government thought themselves justified in closing with. It was judged expedient therefore to accept rates offered the contractors in England. He recommended to the hon. gent. to understand the finances of Ireland better before he condemned the measures of government in respect to loans.

Sir *John Newport* concurred with the right hon. gentleman that the difficulties under which Ireland laboured, constituted an insuperable bar to raising the loan there.

The resolutions were then put and agreed to.

[Droits of Admiralty.] Mr. *Tierney* rose to make his promised motion upon this subject, to which he was induced to call the attention of the House in consequence of its grant of 7,000*l.* annuity to his serene highness the duke of Brunswick. Upon that occasion it was never once objected by him or by any other member, that a suitable provision ought not to be made for that distinguished individual, of whom he never had spoke, and of whom he never could speak but in terms of the highest respect, but it was said that there existed under the controul of the crown funds fully sufficient for that purpose, without an increase of the burdens of the people. To ascertain that fact, he had on a former night moved for the production of an account of the sum arising from the droits of the admiralty now undisposed of, and therefore wholly under the controul of the crown. It appeared from the paper that night presented, that the sum of those droits, now at his Majesty's disposal, amounted to no less a sum than 342,000*l.* The trouble of the present discussion might have been spared to the House if his Majesty's advisers had thought proper to recommend that, to obtain which, it was his intention to move on that night, an address to his Majesty. Such a course, from uniform usage, it was natural to expect they would have adopted, after they had ascertained that their proposition for a grant out of the civil list to the duke of Brunswick, was only carried by a majority of 17. There was then, as there was now, no objection to provide and make good an establishment suitable to the rank and character of his serene highness: but many were impressed with the conviction that no grant for that purpose could be more expedient, as there could be none more grateful to his Majesty than that which could be conveniently settled upon funds fully adequate, solely at the disposal of the crown, and which added nothing to the burdens of the people. Such an application of the droits of admiralty had been already made to the duke of Cumberland and to others of the royal family; What objection then could arise to prevent such an application in the present instance he was unable to ascertain. He should therefore recommend that a sum of money arising out of the undisposed of droits, should be paid into the consolidated fund in order to answer the payment of the annuity of 7,000*l.* per ann. voted to his serene highness the duke of Brunswick. Computing that annuity at ten years purchase, the sum required to go in aid of the consolidated fund would be 70,000*l.* He would not figure to himself in what manner it could be better applied by his Majesty than in making a suitable provision for one so near to him. He could say no more then on the subject, as he could not conceive what possible objection could be made to his motion.—The right hon. gent. concluded by moving; "That an humble Address be presented to his Majesty, humbly to represent that, in compliance with his Majesty's most gracious message, recommending to this House to consider of the means of enabling his Majesty to make some provision for the establishment of his serene highness the duke of Brunswick, his faithful Commons did cheerfully grant to his serene highness a sum of 7,000*l.* per ann. charged upon and payable out of the consolidated fund. —To state to his Majesty, that by an account laid before this House, since the said grant of 7,000*l.* per ann. was voted, it appears that very large sums arising from droits of admiralty have been received by the crown; and that there is now remaining, at the disposal of his Majesty, a sum amounting to above 342,858*l.*—Earnestly to call his Majesty's paternal attention to the heavy and unprecedented taxation to which his loyal and affectionate people have been, and still are exposed, in the prosecution of the war against France; and humbly to state that while we are at all times anxious to prove our attachment to, and respect for, every branch of his Majesty's illustrious House, and zealous in the support as well of the splendour and dignity as of the security and honour of his throne, we owe it as a duty to those whose representatives we are not unnecessarily to add to their burthens;—Humbly, therefore, to throw ourselves upon his Majesty's gracious consideration, and to express our confident reliance, that, being informed by his faithful Commons, that the means of making a suitable provision for a prince so nearly allied to his Majesty, may be found in the droits at the disposal of the crown, his Majesty will be pleased to give directions, that such a sum be paid into the consolidated fund as may be equal to the value of the annuity charged upon the same for his serene highness the duke of Brunswick."

The *Chancellor of the Exchequer* thought his Majesty should rather be directly solicited for any sum out of the droits of the admiralty, to apply to the public service. that might be required, than that he should be addressed in such terms of reproach. If the House would have the goodness to look to the manner in which the fund had been made use of during the whole war, he thought that in no one instance would they be disposed to disapprove of the way in which it had been applied. Looking back to that vote of which the right hon. gent. had spoken, he thought it had been come to under impressions very different from those, which would now influence their conduct. Then they had but a number of loose sums before them, some of which were stated to have been given to various members of the royal family, and the whole represented to be such that the House ought to contemplate it as an object of jealousy, and, as such, that the House would act a becoming part in interfering on the occasion. That feeling, he had no doubt, mixed itself a great deal in the impressions of the House at that time: but now, when they could see by the accounts before them, how the 7,000,000*l.* had been applied, as they would have no reason to complain of the manner in which it could be applied, he could have no reason for looking back to the former vote with any feeling of apprehension. If the House should be of opinion that any part of the admiralty droits should be applied to the services of the public, he hoped they would address his Majesty in a manner less indecorous than that proposed. There had been four commissions, through the wars in which we had been engaged, viz. the Dutch, Spanish, Prussian, and Danish, on which the total amount of the proceeds were 7,344,600*l.* The sums paid to various claimants on the receiver-general of the droits, including law charges, &c. amounted to 3,320,990*l.* In the years 1796 and 1797, there had been applied to the public service 900,000*l.* and in Jan. and Feb. 1806, the sum of 1,000,000*l.* was appropriated to a similar purpose; thus it appeared, that in those years no less than 1,900,000*l.* had been applied to the public service, without any address from parliament on the subject. In the course of the last year, there had been paid to admiral Gambier, as his share of the proceeds arising from the sale of the Danish prizes, the sum of 348,261*l.* There had been paid into the Exchequer, moreover, at different periods, the following sums:—190,000*l.*; 80,000*l.*; 40,000*l.*; making a total of 310,000*l.* From this fund, he would observe, 171,000*l.* was paid to the royal family during the last administration. He did not mean to attach any blame to them for so doing; he merely stated the fact, to shew such an appropriation was not more to be charged to the present government than to those who had gone before, and most particularly so the last administration. Another case in the account came under the head "Special," and consisted of rewards given to those who had captured vessels, which they appeared to have a right to capture, but which subsequently they were compelled to give up, and of various other claims. He should move for the printing of the papers on this subject. No one payment however, of this description, had ever been made but on the report of the King's advocate. Each of these or the whole might be called for. They would, he was convinced, prove satisfactory, and he would undertake to say there would be no objection to any one or more of the items. These it was his wish to bring forward, that it might be seen on what grounds his Majesty has been advised to make the grants he had made out of that fund. The whole of the payments made from the droits amounted together to 6,188,432*l* .which deducted from 7,344,600*l.* the sum total of the proceeds, left a balance of 1,156,168*l.* An arrear of the 4½ per cent. fund of 40,000*l.* had besides been paid from the droits. That being a fund to which, when in surplus, such frequent applications were made, he most certainly had advised his Majesty to pay off its arrear out of the droits of admiralty.

The provision made for the civil list too was not equal to its charges. The establishment, as made by Mr. Pitt, he thought was not originally sufficient. The last administration even had become compelled to appropriate 190,000*l.* to the purpose of relieving the civil list; and in the course of their administration they had been again obliged to go to another fund, the Scotch revenue, to release the civil list from debts recently accumulated. He understood the 190,000*l.* had been so appropriated in March 1806, and the latter 30,000*l.* in 1807 for debts contracted subsequent to the former payment. This arose from the original deficiency in the civil list, as he had already stated, which was such, that it fell short between 20 and 30,000*l.* every quarter. Out of the proceeds arising from the Danish prizes 348,000*l.* had already been applied to the public service. This was done in consequence of a determination to apply the whole of the proceeds thence arising to the service of the public, after satisfying the claimants and captors. The motives by which they were then actuated arose out of the circumstances of there being various merchants, who looked for a remuneration of the losses they had sustained, from the manner in which the war broke out, from those proceeds. The most serious consideration was given to their wishes, but it was found impossible to comply with them consistently with any view of policy, as it would establish a most dangerous precedent, and merchants might, in consequence, at the breaking out of a future war, be indifferent about getting off their property. He thought the right hon. gent. stated the surplus of the droits to be less than it really was, but it would be idle to pretend to give that to the public, and so impoverish the fund, as to oblige the King to come shortly to parliament with an application to pay his debts. The civil list fund was 159,000*l.* in debt last March. He wished the House however to bear in mind the civil list of this and the civil list of the preceding reign. If 800,000*l.* was not more than sufficient in the reign of Geo. 2, the present establishment must necessarily be insufficient. The right hon. gent. then instanced several cases, to shew the necessity of attending to special claims in the mode now preferred. He thought if the motion were acceded to, the droits could not hereafter answer the purpose they had hitherto answered. Whatever criticism might be made on the civil list, he thought it must be admitted (unless it was contended its debts ought not to be paid) that no fund could so properly be applied to that purpose as the droits of admiralty. If there were grounds to apprehend that the droits were misapplied, there might be some reason for the interference of parliament, but when accounts so satisfactory were for the first time laid before them, he thought it a most singular period for calling on the King to apply a fund which had never been under the controul of parliament, to any particular purpose, when there was a prospect of its being speedily applied without their solicitation in a manner which could not but give them entire satisfaction.

Mr. *Fremantle.* Before, Sir, I enter on the subject under discussion, I must protest in the strongest manner against the insinuation which has been made by the Chancellor of the Exchequer, "that the "Address which is now submitted to the "consideration of the House is wanting in "respect towards the King." If I thought that it could bear such a construction, I should be the last man to rise in support of it. I consider the Address which has been moved by my right hon. friend, as by no means questioning the rights of the Sovereign to the Droits of Admiralty, but as the most respectful and proper mode of conveying to his Majesty the wishes and opinions of Parliament on a subject which involves the public expenditure of the country, and as such, calling for the anxious and active interference of this House.

The right hon. gent. has said, that the subject of the Droits of Admiralty furnishes no ground of alarm or jealousy to the country. I cannot but think the application of the enormous sum of seven millions of money, which appears by the paper on your table to have been the amount of the net proceeds paid to the Registrar of the Court of Admiralty, to be a matter of considerable and justifiable jealousy on the part of this House, particularly when it is said, that Parliament has controul over this money. It is our first duty to watch with the most scrupulous jealousy, the appropriation of public money; we are the guardians of the public purse, we are called upon to prevent all wasteful and improvident expences, and, at a moment like the present, when the necessary expenditure of the country bears so heavily upon the people, I am astonished that the Chancellor of the Exchequer should question a jealousy so properly and fairly founded, or should condemn a measure which has for its object the relief of the public burdens. Sir, I have also another ground of jealousy, a ground which has arisen from the explanation which the right hon. gent. has just given. He has presented a most lamentable picture of the growing expences of one branch of the public expenditure, namely, the civil list, and instead of holding out to the House and the country the prospect of a check to the increase, he has avowed not only an existing debt amounting to 171,000*l.* but in addition, a never-failing quarterly excess of 25,000*l.* The right hon. gent. has also not hesitated to declare, that in his opinion the amount of the sum dedicated for the discharge of the civil list, is not adequate to the payment of the demands on that establishment. That in the year 1804, when Mr. Pitt brought before the public a statement of the charges on the civil list, and called upon Parliament not only to pay the debts which had then accrued, but to add to the amount of the annuity granted to the King in lieu of his hereditary revenue, he never considered the provision then proposed, as equal to cover the payments with which the civil list was charged. I cannot admit this statement; I cannot believe that Mr. Pitt ever meant to deceive Parliament, or was himself deceived—we must remember that the increase which he then proposed, amounted to nearly 200,000*l.* per annum (charges to the amount of 135,000*l.* were withdrawn, and 60,000*l.* added to the annuity before granted, viz. 900,000*l.* for the payment of the civil list establishment) making the whole annual amount 1,100,000*l.* to which must be added about 30,000*l.* arising from the suppressed fees received at the Exchequer, and now applied in discharge of the civil list expences.

I must think that Mr. Pitt, when he made the proposition to Parliament in 1804, did believe this sum to be fully adequate to the payment of all the charges on the civil list. I know it to have been the decided opinion of his successor in the government; I can confidently assure the House that when lord Grenville was at the head of the Treasury he had considered this subject, and was satisfied that by proper regulations, the expenditure of the civil list could, without difficulty, be confined within the limits of the annuity granted in 1804, for its provisions. Regulations had been framed for this purpose, previous to the dissolution of the last government, and the right hon. the Chancellor of the Exchequer cannot be ignorant of the nature and object of these regulations, because (as far as my recollection serves me) a very detailed minute was left at the Treasury, for the information of the succeeding government. The most expensive charges on the civil list, arise from two heads; the one under the class of foreign ministers, the other under the class of the Lord Chamberlain's department in the board of works. With respect to the first, it is evident that a great diminution must have taken place from the situation of Europe, during the last three or four years, the amount of our expenditure in diplomacy is now lessened by the diminished number of our foreign ministers, we have now but few foreign courts to which our ministers resort, and therefore this head of expence cannot be an object of complaint. In the expenditure of the board of works, a great decrease has or ought latterly to have taken place; it is well known that many of the expensive works which were carrying on in different palaces, have ceased, and, at the same time, that continual and growing excess in the Lord Chamberlain's department, which it was so difficult to controul; upon this head, so important in the expenditure of the civil list, particular regulations were framed by the last administration for the conduct of the board of works, founded upon the system which had been introduced by you, Mr. Speaker, when in Ireland, and which has been found to answer so fully the object of economy for which it was erected.

It will be necessary for me now, Sir, to lay before the House the state of the civil list as it stood in the year 1804, and subsequently up to the time when the Chancellor of the Exchequer came into office, because, in the course of his speech, he has thrown out insinuations as to the sums which were applied in discharge of the debts existing on it, by the last administration.

In the year 1804, when Mr. Pitt meant to bring before Parliament every arrear and debt then existing on the civil list establishment, it appears by a document which I hold in my hand, and which I called for when I was Secretary of the Treasury, that a sum remained due after

Parliament had discharged the whole of the imagined debt, amounting to 35,934*l.* I blame not Mr. Pitt for this omission, it was unavoidable, and he was ignorant of the fact. In the year ending July 5, 1805, the excess of the expenditure of the civil list, beyond the annuity granted by Parliament for the discharge of it, amounted to 136,142*l.* In the year ending July 5, 1806, to 180,405*l.*; and in the three quarters ending April 5, 1807, previous to the dissolution of the last government, the excess amounted to 109,576*l.*; but this excess of the last three quarters, arose principally from arrears due in 1806, which had been paid; the growing produce of the fourth quarter, ending July 5, together with the suppressed Exchequer fees, and other sums due to the civil list, amounting at least to 300,000*l.* was fully adequate to the discharge of the excess then existing, of the year 1807; and I will venture to say, that during the administration of lord Grenville, the expenditure of the civil list establishment did not exceed the annuity granted by Parliament for the discharge thereof. With the ideas which lord Grenville entertained on this subject, and to secure that advantage which he trusted the public would derive from the regulations which he had laid down for the future limitation of the civil list expenditure, he thought it due to the new government, that every arrear which had accrued, and every debt which had been contracted since the year 1804, should be paid; and for this purpose he took his Majesty's commands previous to his quitting office, for applying to this purpose certain sums from the Droits of Admiralty, from an escheat to the crown, and from the surplus of the hereditary revenue of Scotland. It will appear by the paper now on your table, that the first sum amounted to 190,000*l.* the second (as well as my memory serves me) to 142,000*l.* and the last to 47,000*l.* These sums, making together 379,000*l.* to cover an excess which I have before stated at 426,123*l.*; the remainder was made up by certain payments due, consisting of a balance from the marquis of Salisbury, late Lord Chamberlain, since paid; part of the annuity which had been advanced to his royal highness the duke of Sussex; a trifling sum of 5,013*l.* paid by myself into the Exchequer, towards civil list service, at the time I quitted the Treasury, being the balance of 10,000*l.* secret service, issued annually to the Secretary of the Treasury, the half of which had only been expended during the administration of lord Grenville. These sums, together with other trifling payments, completed the whole of what was due in arrear to the civil list, since the year 1804, when Mr. Pitt stated the balance up to April 5, 1807. The whole sum which had been expended in payments to the civil list, during that period, amounted to 3,102,057*l.* for which the sum of 3,137,310*l.* had been provided, leaving a balance in favour of the civil list, of 35,253*l.* at the time the present Chancellor of the Exchequer came into office. This, Sir, I take upon me to say, was the state of the civil list when the last administration was dissolved, since which it appears by the paper now on your table, that 80,000*l.* has been furnished in the course of last year from the Droits of Admiralty, to make good deficiencies in the payment of that establishment, and we are also now told that 171,000*l.* is due, together with a constant current annual excess, amounting to no less than 100,000*l.* which his Majesty's present minister is unable to controul. I would ask whether such a statement does not furnish in the mind of every member of this House, sufficient ground of jealousy to call for discussion, I would ask whether it does not justify this or any other proposition which can be made, to bring before the public these transactions, and to face the difficulties which are now for the first time presented to our view. The right hon. gent. has stated in detail, the payments which have been made from the Droits of Admiralty, among which there appears to be one of large amount in the paper on your table, to the receiver of those Droits; I should wish to know the duties and description of this new accountant; I always understood the Receiver of the Droits of the crown to be the Registrar of the Court of Admiralty. Is the Registrar and the Receiver in this instance, the same individual? or are they distinct officers, with distinct duties and distinct salaries? Is the Receiver acknowledged either by act of Parliament, or by the establishment of the Court of Admiralty? I put these questions, Sir, not with a view of disputing, but to satisfy myself and the House of the legality and grounds of these payments. It appears by a return which was made to this House, in the course of last session, that the balance then remaining of the net proceeds paid to the Registrar from Droits of the Crown, amounted to 645,636*l.* 4*s.* 5*d.* and that an order had been made by the Treasury in the year 1805, during Mr. Pitt's administration, to vest the balance of all Droits (reserving a sufficient sum for payment of his Majesty's warrant) in Exchequer bills, to be lodged at the Bank, for the purpose of deriving a profit from the interest thereof. We are told that 400,000*l.* is now the amount of the balance of these Droits in the hands of the Registrar. I must ask the right hon. the Chancellor of the Exchequer, whether any return has been made of the interest received on Exchequer bills, vested by the Registrar of the Court of Admiralty in compliance with the orders of the Treasury, since the year 1805; if this balance were now vested in obedience to such order, the annual interest on 400,000*l.* would be 20,000*l.* of which 7,000*l.* could be applied without difficulty or inconvenience, to the payment of the annuity to his serene highness the duke of Brunswick. The right hon. gent. says this balance of the Droits of Admiralty will be required for other purposes. When it shall be so required, it will then be time to make the annuity good to the duke of Brunswick from the consolidated fund, but why burden that fund at present, why press upon the public expenditure, when you have a private fund to which you can resort for the purpose without inconvenience? But I have not as yet stated the annual interest upon the sum of 400,000*l.* only, the present existing balance, we should know what has been the receipt from the interest on the Exchequer bills, since 1805. We know that since that period the Registrar of the Court of Admiralty has frequently had in his hands no less than a million of money; suppose we take the average vested in Exchequer bills lodged at the Bank, since 1805, at 400,000*l.* the amount of interest on this sum would be from April, 1805, to April, 1810, for five years 100,000*l.* There is no statement in the paper now on the table of this House, of any interest whatever; it is not brought to account; I wish to know if it has, or has not been received? Let it be considered by every gentleman who hears me, that the purchase of this annuity of 7,000*l.* to the duke of Brunswick, is calculated at 70,000*l.* which is less by 30,000*l.* than the amount of what the interest of this fund vested in Exchequer bills, ought to have produced under proper controul and management; and yet the right hon. gent. says this is a subject which furnishes no ground of jealousy or suspicion, and calls not for the interference of Parliament.

I have now, Sir, endeavoured to lay before the House, such information as I was enabled to do on the state of the civil list, from the knowledge I acquired on this subject when I belonged to the Treasury. I must once more repeat that it was lord Grenville's decided belief (in direct contradiction to what has been stated by the Chancellor of the Exchequer this night) that the annuity granted by Parliament in the year 1804, for the payment of the civil list, under proper regulation and controul, was adequate to the discharge of all the present claims upon that establishment. I have proved that the right hon. gent. entered on his administration with the civil list clear of all incumbrance, which, I believe, has never before occurred to any other minister, since the commencement of his Majesty's reign.

I shall trespass no longer on the attention of the House; I have endeavoured to reply to most of the observations which have been made by the Chancellor of the Exchequer, but I cannot sit down without once more adverting to his declaration that this Address is not only ill-timed, but disrespectful to the King. Sir, it never can be disrespectful on the part of this House, to point out to his Majesty the means of alleviating the public burdens. We know from the uniform tenour of his reign, that in complying with the recommendation of this House for such an object, he would only be gratifying his own benevolent feelings towards his people. This is no question on the grant to his serene highness the duke of Brunswick, the grant has been voted by this House, it is simply now a question how to furnish the means of paying it with the least additional pressure on the public. With respect to the time, every gentleman in this House must feel that no period ever called for the more active vigilance of Parliament, over every branch of the public expenditure, than the present time, when the severity of taxation is so grievously and heavily felt, by every description and class of society in the United Kingdom.

Mr. *Rose* replied to the observations of the last speaker, and stated the accounts of the civil list to be open to every one. He wished the hon. gent. would move for any papers, he might wish for on the subject, and he (Mr. R.) would second his motion. Contrasting the present civil list, with that of George 2, he appealed to the House if 800,000*l.* at that time was not greater in proportion than 1,100,000*l.* the amount of the civil list now. As to the droits of Admiralty, they had, as his right hon. friend had stated, many claims on them at present. Those satisfied, it would still be time enough for parliament to decide on the manner in which the surplus should be applied.

Mr. *Creevey* observed, that there was no question at this time as to the right of the King to the 4½ per cent. fund, but it was a point which, at some other time, would well deserve the serious attention of the House. It had been said, that the surplus had been applied in aid of the civil list. He could not enter into the propriety of the application of this money, till the papers should be printed; but the aid to the 4½ per cent. fund had been ordered out of the droits for the pensions of sir H. Popham, Mr. Long, and several other members of parliament, the intimate connections of the ministers. When the droits of the Admiralty were thus disposed of, it was not too much to say he thought, that out of them the King should give 7,000*l.* a year to one of his own family. The duke of Gloucester had an annuity from the 4½ per cents, and these not being sufficient, he came on the consolidated fund; but the duke of Gloucester being removed, then these gentlemen came upon the droits of the Admiralty to make up the deficiency in their allowances. He thought it very strange that 40,000*l.* should be taken out of the fund in this way, while it was said, that it could not afford 7,000*l.* for the duke of Brunswick. He then adverted to the 25,000*l.* granted to sir H. Popham, which he thought a most improper application.

Mr. *Long* contended that the King had a complete power of disposal over the 4½ per cent. fund, and remarked upon the manner in which the hon. gent. who spoke last, turned these things into personal questions. He had mentioned Mr. Long's pension; but he defied the hon. gent. to shew, that any one who had served so long in the Treasury, had been less remunerated than he himself had been: he had been ten years in the Treasury before he had received any pension. The last subject on which he would have spoken to Mr. Pitt, would have been the procuring of any thing for himself; and Mr. Pitt knew him too well to suppose, that it would have been a favour to confer on him any thing he did not deserve. Sums had been granted out of the 4½ per cent. fund, in aid of the civil list undoubtedly, and it was but reasonable that when a deficiency took place in the former, it should be aided by the droits of the Admiralty. As to the grant to sir H. Popham, he should say nothing, because it had been discussed in that House, and approved.

Mr. *Creevey*, in explanation, observed, that he never said the hon. gent.'s pension was unmerited. He had only adverted to the extraordinary demand which had been made on the droits of the Admiralty, to pay his pension and those of others.

Mr. *Brougham*, after observing that the real question had been mixed with extraneous matter, remarked, that he felt none of that scruple as to addressing the crown in the manner proposed, which seemed to have taken possession of the minds of some others—because he held it clear, that nothing personal to the reigning Sovereign either was, or ought to be considered as intended; because he held it to be clear and constitutional doctrine, that, though, in point of form, they were addressing the crown, they were in fact addressing the ministers. The paper laid on the table, did not, he admitted, contain any case of gross misapplication of the fund, which misapplication, though considered as not impossible, had not been alledged actually to have taken place. He could not, however, agree with the right hon. the Chancellor of the Exchequer, that the numerous minority on the last discussion of this subject had been owing to any cause which this paper served to remove. The principle had been, that as the people were heavily burdened to support the war, they should be relieved as much as possible by this fund produced by the war. Mr. B. then adverted to the several heads of demand stated by the Chancellor of the Exchequer upon the unappropriated part of this fund, and shewed that after all there was a sum of from 90,000*l.* to 100,000*l.* for which there was not even the pretence of a demand. He next adverted to what had been said respecting the present civil list, which, considering the depreciation of money, had been held to be less than that of George 2. He advised those, who held this doctrine, to consider that no less than 3 millions had at different times been granted in aid of this list, besides a new grant of 270,000*l.* which appeared on this paper. He desired them to recollect, that though the civil list had been increased, a great many of the pensions upon it had been stationary, and that while every other property had been taxed to such an extent, this had paid no tax at all. It appeared also from this paper, that seven millions had passed through the hands of the crown, without the controul of parliament. Three millions had been granted to the captors—but this was voluntary. It was unknown in the seven years and American wars—and 700,000*l.* had accumulated in the hands of his late Majesty, which had not been touched till his death, when the advisers of his present Majesty had brought it in aid of the public. However much honour it had done to these advisers, it did very little honour to the ministers of his late Majesty. This circumstance proved with what jealousy the fund ought to be watched. There had been 470,000*l.* paid away by the crown, without controul of parliament, and there still remained a very large sum. Was not this fund then to be regarded with jealousy? The plain question, cleared of the incidental topics, was this—Was the fund adequate to supply the amount of the annuity, or not? The Chancellor of the Exchequer had answered the question, when he had been compelled to admit, that there remained from 90 to 100,000*l.* for which there was no pretence of a demand for any other purpose.

Mr. *Stephen* called upon the House to consider that these droits of Admiralty had been hitherto applied in an unexceptionable manner; and particularly with respect to the sums granted to indemnify meritorious officers (sir Home Popham and captains Woolley and Spedding) who might have otherwise suffered a material loss through means which the law could not redress, and which he was sure the country would regret. The balance on hand, ought not, in his opinion, to be touched for the purpose, because there was no probability from the state and prospect of the war, that any additional droits would arise, while there was much probability that other claims might offer for his Majesty's bounty, similar to those which had already occurred.

Mr. *Whitbread* was happy to find that it had turned out that there was a sum of 300,000*l.* more than sufficient to purchase the annuity for his serene highness. It was an after-thought on the part of the gentlemen opposite, to state the sum of 40,000*l.* towards building the palace at St. James's; if they got into brick and mortar, they would find 70,000*l.* would not be sufficient. Another item, the ships taken in the West Indies, would amount to 140,000*l.* Was it reasonable, that the country should be answerable, because the captors put the proceeds into the hands of insolvents? It had been said, will you throw aspersions upon the King? He denied, that the motion involved any attack upon his Majesty personally, but contended that it referred to ministers alone, just in the way in which comments were made upon the King's speech. As to the civil list, he was glad of the exposure which this discussion has produced. It now appeared that the deficiency of the civil list had been supplied from the droits of admiralty. That instead of bringing the expenditure of that list within its income, as the last administration had intended, the present ministers meant to allow the expenditure to go on uncontrouled, while it blinded the public and that House by a misappropriation of the droits of admiralty. If such a misappropriation and consequent increase of the civil list, were to be defended upon the ground of the depreciation in the value of money, what answer, he would ask, could be given to the claims of the naval and military officers, the rate of whose pay had been so little advanced since the reign of queen Anne. But in point of fact, the depreciation of money could form no plea for any advance applicable to the greater part of the civil list, which referred to salaries that were fixed. With regard to the right hon. gent. (Mr. Long) he observed, that that right hon. gent. was not to enjoy the pension of 1,500*l.* paid out of this fund, if he held an office yielding above 2,000*l.* a year; now it appeared, that the right hon. gent. had 2,000*l.* a year from his office, and a house besides. Was this, then, a compliance with the terms of the grant respecting the pension? The hon. member concluded with the expression of a wish to know what was become of the interest upon the droits of admiralty, which, he understood, amounted in one year to such a sum as would suffice to purchase an annuity for the duke of Brunswick?

Mr. *Long* in explanation, stated, that the exception alluded to, respecting the pension, was introduced upon his own suggestion, and that the addition of the house was owing to his Majesty's pleasure.

Mr. *Tierney* replied. He maintained that the civil list had not suffered by the depreciation of money, and that at present it was, all circumstances considered, more productive than upon his Majesty's accession to the throne. It was then but 800,000*l.* a-year; but, from its augmentation since at different periods, and from the transfer of many charges upon it to the consolidated fund, it was now raised to about 1,200,000*l.* a year; which being 50 per cent. was surely more than enough to meet the alleged depreciation of money. If the minister would promise that the balance admitted to be on hand of the droits of admiralty should be applied to the relief of the public, by paying the annuity of the duke of Brunswick, instead of saddling that annuity upon the consolidated fund, he declared that he had no disposition to press his motion. But if not, he hoped the House would concur with him in adopting that motion.

The House then divided: For the motion 75—Against it 101—Majority 26.

List of the Minority.

Abercromby, hon. J.
Anstruther, sir J.
Astley, sir J. H.
Babington, T.
Barham, J. F.
Baring, A.
Bernard, Scrope
Bewicke, C.
Brand, hon. T.
Brougham, H.
Browne, A.
Byng, G.
Calcraft, J.
Cavendish, ld. G.
Calvert, N.
Cavendish, W.
Colborne, N. W. R.
Cooke, B.
Cuthbert, J. R.
Daly, rt. hon. D. B.
Fitzpatrick, rt. hon. R.
Frankland, W.
Freemantle, W. H.
Goddard, K.
Greenhill, R.
Grenfell, P.
Halsey, J.
Howard, H.
Howard, hon. W.
Howarth, H.
Hume, W. H.
Jackson, J.
Johnstone, G.
Knox, hon. T.
Lamb, hon. W.
Lambton, R.
Latouche, R.
Lefevre, C. S.
Lemon, C.
Lloyd, J. M.
Lockhart, J. J.
Macdonald, J.
Martin, H.
Martin, R.
Maule, hon. W.
Mexborough, earl
Mildmay, sir H. C.
Mills, W.
Milton, viscount
Moore, P.
Mostyn, sir T.
Newport, sir J.
North, Dudley
O'Hara, C.
Palmer, C.
Parnell, H.
Ponsonby, rt. hon. G.
Porchester, lord
Pym, F.
Scudamore, R. P.
Sebright, sir J.
Shipley, W.
Smith, W.
Smith, J.
Taylor, M. A.
Tierney, rt. hon. G.
Tracy, C. H.
Tremayne, J. H.
Walpole, hon. G.
Ward, hon. S. W.
Western, C. C.
Wharton, J.
Whitbread, S.
Wynn, sir W. W.

Tellers.
Sharpe, R.
Creevy, T.

HOUSE OF COMMONS.

Thursday, May 31.

[PETITION RESPECTING GLOUCESTER ELECTION, AND VISCOUNT DURSLEY.] Mr. *Swann* presented a Petition from Thomas Hughes, William Weale Darke, Thomas Holbrow, John Holbrow, and others, freeholders of the county of Gloucester, setting forth, "That, by an act of parliament, made and passed in the 33d year of king George 2, it was, amongst other things, enacted, that every person who should be elected a member of the House of Commons should, before he presumed to vote in the House of Commons, or sit there during any debate in the said House of Commons, after their Speaker is chosen, produce and deliver in to the clerk of the said House, at the table, in the middle of the said House, and whilst the House of Commons is then duly sitting, with their Speaker in the Chair of the said House, a paper or account signed by every such member, containing the name or names of the parish, township, or precinct, or of the several parishes, townships, or precincts, and also of the county or of the several counties in which the lands, tenements, or hereditaments do lie, whereby he makes out his qualification, declaring the same to be of the annual value of 600*l.* above reprizes if a knight of the shire; and also, at the same time, take and subscribe the oath therein particularly mentioned, which oath the House of Commons is thereby empowered and required to administer; and that the said oath and subscription therein directed to be taken should be entered in a parchment roll to be provided for that purpose by the clerk of the House of Commons; and such papers and accounts, so signed and delivered in to the clerk as aforesaid, should be filed and carefully kept by him; and it was further enacted, that if any person who should be elected to serve in any future parliament as a knight of the shire, or as a citizen, burgess, or baron of the Cinque Ports, should presume to sit or vote as aforesaid as a member of the House of Commons before he has delivered in such paper and account, and taken and subscribed such oath as aforesaid, or should not be qualified according to the intent and meaning of a recited act and of that act, his election should be, and is thereby declared to be void, and a new writ should be issued to elect a new member in the said person's room; but it was thereby provided that nothing in that act contained should extend to the eldest son or heir apparent of any peer or lord of parliament, or of any person qualified as a knight of the shire; and that, at the late election for the county of Gloucester, a person, calling himself William Fitzhardinge Berkeley, commonly called viscount Dursley, was elected and returned, and has, as the petitioners have been informed and believe, taken his seat in the House; and that it appears from the roll kept by the clerk of the House, for the purpose of entering the oaths and subscription required by the said act of parliament, that the said William Fitzhardinge Berkeley, commonly called viscount Dursley, hath not delivered in such paper or account, or taken and subscribed such oath, as by the said act of parliament is required; but it appears from the minute book, that the said William Fitzhardinge Berkeley commonly called viscount Dursley, stated himself to be heir apparent of a peer; and that it appears by the register book of baptisms kept for the parish of Saint George Hanover square, in the county of Middlesex, that the said William Fitzhardinge Berkeley was baptized on the 25th day of January, 1787, by the name and stile of William Fitzhardinge, son of the earl of Berkeley, by Mary Cole; and that it also appears, by the register book of marriages kept for the parish of St. Mary Lambeth, in the County of Surrey, that the said earl of Berkeley was married on the 16th day of May 1796 to Mary Cole of that parish spinster; and it also appears, by an entry in the register book kept by the commissary of Surrey, that the said earl of Berkeley appeared on the 6th day of May 1796, before Thomas Champion Crespigny surrogate, and made oath, amongst other things, that he was a bachelor, and intended to marry with Mary Cole spinster; and that it appears, by the register book of baptisms kept for the parish of St. Martin in the fields, in the county of Middlesex, that subsequent to the said marriage (viz. on the 19th day of November 1796) there was baptized in the said parish the right honourable Thomas Fitzhardinge lord Dursley, son of the right honourable Frederick Augustus earl of Berkeley and Mary countess of Berkeley; and the petitioners therefore humbly conceive that the said William Fitzhardinge Berkeley is not the eldest son and heir apparent of a peer or lord of parliament, and therefore has no right to the benefit of the proviso in the aforesaid act of parliament in favour of eldest sons and heirs apparent of peers or lords of parliament; and that, as he the said William Fitzhardinge Berkeley has presumed to sit in the House, without having delivered in his qualification, or taken the oath as required by the said act, his election is void, and that a new writ ought to issue to elect a new member in his room; and therefore praying, that the House will take the premises into consideration, and grant them such relief as the justice of the case requires, and as to the House shall seem meet."

On the question for bringing up the petition,

Mr. *Bankes* said, he did not understand that the petition called the return in question; it did not therefore follow, that it should be brought up as a matter of course. The Petition only prayed the House to take the case into consideration, and to grant such relief as they should see cause.

Sir *J. Anstruther* said, unless the House were informed as to the form of the petition, it was impossible they could say, whether it ought or ought not to be brought up.

The *Speaker* said, it would be necessary for the hon. member to state more distinctly the nature of the petition to the House.

Mr. *Swann* then stated, from the Petition, the complaint of the Petitioners.

Mr. *Tierney* could not consider this petition as explained by the hon. member who tendered it to the House, as one regularly founded upon the Grenville act; for it complained of no undue election or return, nor of any insufficient return. And although it might be competent for any member of that House to rise in his place, and state the circumstance alledged by this petition; namely, that an hon. member at the time of his being sworn member, omitted to produce his qualification, and on the proof of that fact, to move for a new writ; yet the House did not want any set of men in the county of Gloucester or elsewhere, to lay before them, the life, parentage, and education of any of their members; he therefore objected to receiving the petition, as not coming forward in the shape it ought to have assumed in order to be entitled to reception from that House.

Mr. *Bankes* thought if this petition was to be received at all, it could only be as a matter of course, and, if it did not come within the Grenville act, that it could not be so received.

Mr. *Bathurst* saw great doubt as to the receiving of the petition. He was by no means satisfied that it could be considered as coming within the purview of the Grenville act, but at the same time he was not prepared to say, that any petition which did not come under this act must therefore be rejected, and could on no account be entertained by the House. The question was of great importance, and he thought that the House ought not to be called on to decide incidentally upon a motion of this nature; but that if the petition should be received, the discussion upon it ought to be adjourned to a future day, in order to give the House time to consider the subject, and to be more prepared for its discussion.

Sir *J. Anstruther* said, this petition was obviously not founded upon the Grenville act, as it professed to be. There were but four points to which that act properly applied, namely, undue election, undue return, insufficient return, and no return at all. Of no one of these did this petition complain. No objection whatever appeared to have been made to the insufficiency of lord Dursley's qualification, as ought to have been done at the time of the election, if the alledged ground of objection existed. No person complained of any irregularity in the return at the time, nor of any practical injury sustained by any person in consequence of that return. The petition was therefore nothing more than a mere paper of information to the House, that a person was sitting as one of its members who had not produced his qualification at the time of his being sworn, as by law required. The omission here complained of as a ground of disqualification, might and could only be taken up by the House itself, but the present petition could never be sent to a Committee under the Grenville act. If then the question could only be taken up by the House, was it fit that it should be done in consequence of a petition like the present? He knew nothing of the parties but from the description of persons coming before them in this petition, stating themselves to be freeholders of the county of Gloucester, who could have come forward in a very different way, he could not view them in any very favourable aspect. They had a right to have called on the candidate for his qualification during the election; they might have voted against him, or they might have petitioned against his return; they had, as freeholders, chosen to forego those modes of obtaining satisfaction. They had not even stated that he was not the fittest person to represent the county; they had not condescended to fix on any grievance under which they laboured; and he could view this petition therefore in no other light than as an attempt to draw the House into a decision of a question which could serve no practical purpose whatever. In that view of the case, was it fit for the House to proceed on this petition? That it was not an election petition was clear. The petitioners had no more interest in the matter than any other man in England. The petition was no more nor no less than a mere paper of information to the House, complaining of what was only an irregularity in a member of that House; and the question was, if the matter ought to come before them in that shape. He admitted that it was perfectly competent for any member of that House to shew that this was a case in which a new writ should issue. Yet in the event of his making such motion, he must also be bound to make out the facts. The House, however, had no right to call on the present petitioners to make out the facts they averred; to punish them if they failed; nor even to visit them with costs in the event of their allegations proving groundless and vexatious. Neither would the noble lord, who was the subject of the petition, with whose figure even he (sir J. A.) was unacquainted, have it in his power to insist on defending himself. He again warned the House therefore, against entering into a question which was brought before them with no practical object whatever. They ought to be delicate of receiving such questions, and should not entertain them without necessity. The rights of lord Dursley, or of his younger brother, could never be touched by that House, and therefore it was impossible they could ever properly interfere.

Mr. *Wynn* thought the question involved the House in considerable difficulty. It was true, it did not complain under any of the four points in the Grenville act, stated by the hon. and learned member who had just sat down. But, nevertheless, it did complain of a disqualification in the person now sitting as the representative of the petitioners, of which they might not have been aware at the time of the election; and, therefore, the complaint rested upon another point, namely, the non-production of qualification at the time of being sworn in, which, under the Grenville act, rendered the election *ipso facto* null and void. He did not see how the House could properly refuse to entertain and consider such a complaint arising from any number of electors. But he was nevertheless for adjourning the consideration to a subsequent day.

Mr. *Whitbread* conceived it to be impossible to object to the petition being brought up. It would then, however, become a matter of serious consideration, whether it should lie on the table. He was satisfied that it could not be received as coming under the Grenville act, and he was also convinced it would be agreeable to the feelings of every gentleman in the House to find that they could not entertain it at all, as by it they were called to the consideration of a point which they could never be competent to determine. What were they called on here to decide? That a person who assumed to himself the title of lord Dursley, eldest lawful son and heir apparent to the earl of Berkeley; whom the earl of Berkeley, too, himself declared to be so; who under that character, had stood candidate for the county of Gloucester, and had been elected; was not the person he and his father so represented him to be! Would the House wish to take upon itself such a power? would they wish, without having any right of jurisdiction or any constitutional call on them to do so, not only to determine so, but also to declare that earl Berkeley had been guilty of a conspiracy against the county of Gloucester? Before they ventured to take such a task upon themselves, he presumed they would at least wish to learn from the petitioners whether they were at the time of the return, acquainted with the matters stated in the petition. If the consequence of allowing the present petition to lie on the table was to have the effect of depriving a person of his rights, or of causing the House to interfere in a matter over which they had no legitimate jurisdiction, he must oppose it. He could not think the House called on to plunge itself into such a dilemma as this. He had no objection to the petition being brought up, but could not consent to its lying on the table.

The *Chancellor of the Exchequer* thought there could be no doubt as to receiving the petition. The question would then certainly be, having received it, if they could refuse to pay attention to the contents of it. He agreed that the House could not interfere in the rights of parties, but still they were entitled to entertain the question so far as they themselves were concerned. If he felt as clear on this point as some other hon. gentlemen seemed to do, he should doubt as to the propriety of at all receiving the petition. He was therefore in favour of adjournment, that the question might be maturely considered.

Mr. *Abercrombie* concurred in the opinion that the petition ought to be brought up. The House ought to have accurate information upon the subject, and it was also desirable to know whether the petition contained any allegation that the petitioners were not aware of the facts they now brought forward at the time of the election. Because if they had known of them then, and had neglected to demand the qualification on that occasion, it would be for the House to consider how far it ought to entertain the petition and remedy their neglect. But the same objection would not apply to a motion made by the hon. gent. who presented a petition for a new writ.

Mr. *Ponsonby* wished to know whether the petition complained of an undue election and claimed for the petitioners the benefit of the 10th of Geo. 3d, called the Grenville act?

Mr. *Swann* replied that it did not, as if it had so complained, he should have felt it his duty to give it in at the table without motion. The petition was then brought up, and on its being read,

Mr. *Swann*, previously to his moving that the petition do lie on the table, felt it necessary to state, that he should not take upon himself the responsibility of proving the allegations it contained, nor think it his duty to submit any motion founded upon it to the House.—He concluded by moving that the petition do lie on the table.—On this question being put,

Mr. *Calcraft*, thought every attention was due to this grave and serious subject. He did not mean on any account to point out what course ought to be pursued, but, without presuming to dictate to the House (as he perceived by what had been read of the petition, that some few of the circumstances of the case, but not all, had been stated,) he begged leave to mention some facts which came to his knowledge.

The petitioners stated that in 1796 the earl of Berkeley was married to Mary Cole; having suppressed the fact, with which they must have been acquainted, of a registry in the parish of Berkeley in Gloucestershire, of the marriage of earl Berkeley with Mary Cole in the year 1785. This fact must have been well known to the petitioners, for it had been some years since the subject of much discussion in the House of Lords, and a common topic of conversation at that time in the county of Gloucester. So that the petitioners who came to that House for justice, suppressed, not only that registry of the marriage, but also an entry opposite to the entry of the birth of lord Dursley, that he was the legitimate son of earl Berkeley, who for reasons best known to the parties thought proper to conceal the previous marriage. If the petitioners had any doubt upon the subject, they ought to have demanded his qualification from lord Dursley at the election. As to what had been stated relative to the marriage in 1796, that measure had been resorted to by the advice of the most eminent counsel, because it was supposed at that time that all the documents concerning the original marriage had been lost. He had thought it his duty to state all he happened to know upon this subject, and however reluctant he might be to reject the petition, he felt the less difficulty on the subject, because by not receiving this, the parties would not be deprived by the House of their remedy, as he understood they would still have till Monday to present another petition conformably to the provisions of the Grenville act. There was much in what had been said by his hon. friend that, if this petition in its present shape should be decided to be frivolous and vexatious, the petitioners would not be liable to costs. Besides as the hon. gent. who presented the petition had declared it not to be his intention to found any motion upon it, this scandal would go forth to the world, whilst the petition, if received, might remain for ever a dead letter on the table. He thought the present quite a new question. He therefore wished it postponed till another day. If the House should then think the application malicious and groundless, they would be able to say what mode they should adopt for vindicating the character of the injured individual, and punishing the calumniators. He concluded by moving, that the debate be adjourned till Tuesday next.

The *Chancellor of the Exchequer* asked whether the hon. gent. who had just sat down, had any reason to know whether the petitioners had still time remaining to present a petition founded on the Grenville Act, because if they had, that would unquestionably make an alteration in the question?

Mr. *Calcraft* stated that to have been his apprehension at first, but admitted that he had mistaken the case.

The *Solicitor General* thought the real point to consider was, whether the petition complained of an improper election, and came within the Grenville Act, because if so, there could be no doubt that it ought to be entertained. The question therefore was not, whether in its form, but whether in its subject matter, the petition was comprehended within the Grenville Act. That was a nice point, because the election had been allowed to be good and the return good; the difficulty therefore was to ascertain, whether the subsequent act charged as having been omitted, was such as to invalidate the election, *ab initio*, and thus in substance bring the matter of the petition within the Grenville Act. It appeared to him that the House ought to follow the course pointed out by adjourning the debate to another day. The House would thus have a sufficient opportunity to make up its mind whether this petition came within the Grenville Act, whether they ought to reject it, or refer it to a committee of privileges, as well with a view to the justice of the case, as to vindicate the character of one of their own members, if it should happen to have been falsely reflected upon. From the little consideration which he had been able to bestow on the subject, he should be disposed to think that the case did not come within the Grenville Act. The reason why he thought so was, that that act related to things done during the election, and substituted the tribunal of the Committee for the returning officer, giving it power to amend the return in case of any undue election or return. Any doubt he had, arose from the act of the 23d of Geo. II. stating that the omission to give in the qualification rendered not the seat but the election void. If the seat only were declared void, he should not have any doubt that the petition was not within the Grenville Act. When it stated, however, that the election was void, thereby a doubt naturally was excited, though he was disposed to construe the act to mean not actually void, but avoidable. He therefore should vote for the motion that the debate be adjourned to Tuesday next.

In putting the question, the Speaker intimated the propriety of his apprising the noble person concerned, the day on which the debate was to be renewed.

Mr. *Wynn* thought, if the application should be found to be calumnious, it would be the duty of the House to search for precedents for punishing the petitioners.

Sir *J. Anstruther* could not agree with the Solicitor General, that the case was altogether new. It was fully discussed in the case of the Westminster election, argued by his learned friend near him (Mr. Adam) and the master of the rolls.

The question for adjourning the debate till Tuesday was then put and carried.

[EAST INDIA COMPANY'S AFFAIRS.] Mr. *R. Dundas* moved the order of the day for the House to resolve into a Committtee of the whole House upon the affairs of the East India company. On the question being put,

Mr. *Creevey* rose to oppose going into the Committee, on the ground that there was not sufficient information before the House to enable gentlemen to form any correct opinion upon this important question. There was one paper in particular, which he had moved for on a former day, and had been ordered to be printed, that would be necessary for the elucidation of the subject, but was not yet in the hands of gentlemen; and as this paper would in a very few days be in the hands of gentlemen, he could not, therefore, see any reason for pressing the business at that moment. The question to be gone into in the Committee, was, whether the parliament should give 1,500,000*l.* of the public money to the India Company. It was necessary for him here in order to shew how little claim the company had upon the public, to state briefly, the several applications which had been made by the East India company to that House within the last thirty years. The hon. gent. then stated in detail, the various applications of this description from the 21st of the King in 1781, when the charter was renewed, when the bond debt of the company was only 150,000*l.* when its capital was 3,200,000*l.* when the company stipulated to pay 400,000*l.* annually to the public, to make a dividend of 8 per cent., and to pay over 3-4ths of the surplus profits to the use of the public, down to the present application, when the bond debt of the company was 5,000,000*l.* the capital 8,000,000*l.* and when it was proposed to obtain a sum of 1,500,000*l.* more from the public. The hon. member then stated, the views he had in wishing the papers he had called for to be put into the hands of gentlemen before they should be called upon to grant so large a sum of the public money. The exposition of their affairs by the court of directors themselves, and the supplement to it, would shew the declining trade of this flourishing company. These documents stated the profits of the trade of the company to have been in 1802-3, 317,159*l.* in 1803-4, 115,319*l.*; in 1804-5, 92,186*l.*; in 1806, 11,472*l.*; in 1807 the loss was 274,571*l.* The hon. gent. then complained of the very improper and unintelligible manner in which the annual accounts of the company were generally presented. As the company therefore had failed in all its promises to the public—as its debt, and its capital, had so enormously increased during the last 30 years, and as no necessity existed for going into the Committee till the House should be in full possession of the requisite information, he meant to oppose the motion of the hon. gent. and would take the sense of the House upon it.

Mr. *R. Dundas* observed that the hon. gent. seemed to him to have taken a course very injurious to his own object of obtaining that information, which the hon. member certainly appeared to want. At a time when it was his intention, in the committee, to put the House in possession of the grounds upon which his proposition was founded; grounds, most of which the hon. gent. seemed not to be aware of; that hon. gent. wished to provoke a debate on the general question before the House would be able to go into it with effect. But the hon. gent. should in this instance be disappointed in his expectation.—It was not his intention to state the grounds on which his proposition rested till the House should have resolved into the committee, where both the hon. gent. and himself would have the fullest opportunity of explanation. Neither should he follow the hon. gent. into his details for the last 30 or 40 years. On this point he should only observe, that from the hon. gent. for the first time, he had heard it asserted, that it was a proof of decline for a commercial company to increase its capital for the purposes of trade. All the papers the hon. gentleman had alluded to had been many weeks before the committee up stairs; several copies had been even made of the document he most particularly wished for; and if the hon. member had thought proper, he might have had any one of them for his use at any time he pleased. But towards the close of the hon. gent.'s speech, he had admitted that there was a complete exposition of the affairs of the company, down to the latest period, already before the House. The papers laid before the committee in 1808, were not necessary to shew the House what the state of the trade was at present. He should not touch upon the other matters referred to by the hon. gent. till the House should be in the committee, and consequently it was unnecessary for him to add any thing at present to what he had just stated.

Mr. *Tierney* observed, that if it were proposed that the House was to go into the committee, only to consider of the question respecting the loan to the India company, and he were to understand, that it was not intended to go into the consideration of the general state of the affairs of India, he should not feel any objection to the motion for going into the committee. The house divided, for the motion 43; against it 7; majority 36.

Whilst strangers were excluded, the House resolved itself into the committee, and on their re-admission to the gallery,

Mr. *Dundas* was on his legs, stating the causes of the difficulties in which the company found itself involved; the chief of which arose from the number of bills presented in this country for payment upon their India debt. It had been the object of the company, however, to confine their loans in India to their surplus revenue there, and they had succeeded to a considerable extent in Madras and Bombay; but there were no accounts from Bengal to shew how the plan answered there. But a complete account of all their debts and of their general situation, would be laid before the House next session. It had never been expected that these Indian debts could be discharged out of their commercial profits here. The India debt contracted in the acquisition of territory, in the prosecution of wars, ought to be charged on the territorial revenue. The House had been in the habit of extending relief to merchants under temporary embarrassments, but the company would have been able to meet all their late immense losses in trade had it not been for these India bills. He proposed to move an issue of 1½ million in Exchequer bills for the relief of the company, which would be made payable within a limited time, to bring the company's affairs, under discussion some time next session. It appeared strange to some gentlemen that the House should advance a sum of money to the directors, and limit the payment to a certain time; but he wished that such should be the conduct of the House, as it was most desirable that the accounts should be produced with regularity and punctuality. With respect to the means which the company had of repaying the sum, it was absurd to entertain a doubt of their capability of discharging a sum of vastly greater magnitude than that which he would propose to the committee. It was evident to every body, if goods to the amount of 6 or 8,000,000*l.* the property of the company, were under the immediate eye of the crown, that such property would fully defray the loan of 1,500,000*l.* and that it could instantly be appropriated to that purpose. Besides, this debt might be liquidated by the company defraying certain naval expences in the East Indies, hitherto defrayed by the crown. Mr. D. then adverted to the wars in which the company had been engaged, which had occasioned the deficit in their revenue compared with their expenditure. But there was now a prospect of their being able considerably to reduce their military establishment. He further stated that the government had called upon the company to give licences for individual trade to Africa, the Red Sea and Southern continent of America. The House, however, would have a future opportunity of regulating the India trade in whatever manner should appear most proper. When he stated this, however, he had no hesitation in confessing, that if the renewal of the East India charter was now to be proposed, he would not be one of those to consent to its renewal on the conditions on which it now stood.—He concluded by moving that the sum of 1,500,000*l.* should be granted to the East India company.

Mr. *Creevey* stated, that he had but little confidence in the security proffered for this sum. It was remarkable that, as to India, the hon. gent. had only been able to shew a decrease of deficit—he had said nothing of surplus. He contended, in opposition to the last speaker, that increase of investment was not necessarily a source of profit. Where the trade was a losing one, it was a means of increased loss; and he referred to lord Minto's letter, to shew how the matter stood in the present instance. The company had he contended completely failed in all their engagements to the public; and instead of nine millions, which they ought to have paid by this time, they had only paid 500,000*l.*

Mr. *Dundas* observed, that the affairs of the Company could not be considered as a mere mercantile concern. They were not to be considered as bankrupt, because their commercial profits here could not answer all the demands for the India bills. It might as well be said that this country was bankrupt, because it could not at once discharge a debt of 600,000,000*l.*

Col. *Allen* stated that he had received a letter from India, stating an instance of bad faith in the Company, in regard to a loan contracted there. It was of the last importance to preserve the confidence of the natives; and he confessed that the letter in question had almost destroyed the remains of confidence which he had had in the stability of the Company.

Mr. *Dundas* stated, that the transaction in question was now under investigation.

Mr. *Johnstone* supported the motion, although he considered it perfectly delusive to argue that the affairs of the East India Company were in a flourishing state. With respect to the alledged reduction of the military force in India, it was impossible, inasmuch as it was now scarcely sufficient for the protection of the territories subject to the Company.

Mr. *Grant* denied that the allegations relative to the insolvency of the Company were in any degree borne out by the facts, although it was manifest that the general circulation of such rumours, both within and without those walls, was, above all other circumstances, calculated to produce much of the evil which it was only affected to predict. It was no proof that because the coffers of the Company at home, in consequence of their commercial and political exertions in India were not full, that therefore the application to the country for an advance of a certain sum, was a proof of insolvency. Had not at various times great chartered bodies made such applications to the House of Commons? Did not the Bank of England do so, and would it be contended that such an act fully illustrated the insolvency of that corporation?

Mr. *Prendergast* complained of the want of uniformity of system between the government at home and in India. At one time there were preparations making in India for sending 25,000 men from Bombay to attack Persia, and even change the dynasty of that country, while in this country the government were anxious to conciliate Persia. The enterprise also which took place at Macao, was directly contrary to the system that government would wish to pursue towards China, and had been followed by serious disadvantages. Notwithstanding he felt himself obliged to disapprove of those things, yet he must concur in the vote for giving the Company the assistance proposed.

Lord *Morpeth* replied, that though no detailed view of the situation of India had yet been presented to the House, but nevertheless he conceived that the Company had a claim on their liberality and indulgence.

A division then took place, For the motion 75; Against it 10; Majority 65.

[FUNDING EXCHEQUER BILLS.] Mr. *Whitbread* rose to ask the right hon. the Chancellor of the Exchequer, whether it was the intention of government to take any immediate step in consequence of the Report of the Select Committee respecting the abuses detected in the office for funding exchequer bills? He would certainly wish to leave the business in the hands of ministers if they were prepared to act upon it.

The *Chancellor of the Exchequer* answered, that it was a subject which would require very serious consideration, and could not be disposed of in a day. The hon. gent. and the House would feel that the question concerned the arrangement of an entire office, and that therefore it was a question of such detail, and which required such minute attention, that possibly he might not have leisure sufficient for the purpose, to bestow during the present session. He assured him, however, that he would give the subject his most serious consideration.

Mr. *Whitbread* acknowledged that the revision of the whole department was an affair that would necessarily require time and attention; he thought, however, that the punishment of those offenders, he meant the three officers named in the report, ought immediately to take place. If that were done, he thought that the revision of the arrangement of the office might be left to take place at leisure.

The *Chancellor of the Exchequer* said, that even the immediate dismissal of these three officers, would be attended with some inconvenience, as it would be necessary to select others, to fill their places.—The conversation then ended.

[ABOLITION OF SINECURE OFFICES.] Mr. *Davies Giddy* reported from the Committee of the whole House, to whom it was referred to consider further of the third Report from the Committee on Public Expenditure, the Resolutions, which they had directed him to report to the House; which he read in his place, and delivered in at the table.

The first Resolution, viz. "That it is the opinion of this Committee, That the utmost attention to economy, in all the branches of public expenditure, which is consistent with the interests of the public service, is at all times a great and important duty," was carried unanimously. Upon the second Resolution being read, viz. "That for this purpose, in addition to the useful and effective measures already taken by parliament for the abolition and regulation of various sinecure offices, and offices executed by deputy, it is expedient to extend the like principles of abolition or regulation to such other cases as may appear to require and admit of the same:"

Mr. *Bankes* rose to move an amendment. If he did not feel this a subject of a considerable moment; if he were not actuated by a sense of imperious duty, even under the present pressure of other important public business, he should have been very unwilling to bring it again into discussion. There were circumstances, however, connected with the present times, which made him conceive the subject now to be of peculiar importance. The House had, a very few days ago, refused, and as he thought rightly, to go into a committee to enquire into the state of the representation. If he were asked what was the motive which principally induced him to vote with the majority upon that question, he would say, that it was because he was convinced that it was a question, which was not desired to be entered into by the greater part of the respectable class of society, whose opinions were undoubtedly deserving of grave and serious attention from the House. He had, on former occasions, voted for some alterations in the mode of returning members to parliament, but it was at a time that he supposed the respectable part of society wished for those changes, and he had not now any fixed or rooted objections to reform in the representation, if he thought it really the wish of that class of society, to whom he had alluded.

It was his opinion, however, that there were many other preliminary steps which ought to be taken before such reform would be advisable. There should be acts passed to prevent the enormous expence of contested elections, and to prevent improper influence and interference. He was friendly to the measure, which he had often proposed, for the same reason that he opposed the motion for reform. He believed that there did exist a real, a sincere desire among that part of society of which he had spoken, for every moderate and substantial reform which would not attack the frame and foundation of the constitution. There never had been, he thought, a time in which it was more necessary to draw a line of separation between that body who wished only for moderate reforms, and the other body who wished for no reforms at all, but for the subversion of the constitution. By opposing the reasonable wishes and expectations of the moderate, they might be driven into an alliance with the desperate and the violent, whose wish was not so much to reform as to destroy. It would be a dangerous opinion indeed to go abroad, that no sort of reform was to be expected from that House, constituted as it was at present; moderate men knew and felt that they had grievances which ought to be redressed. As to the others, he believed nothing would be so disagreeable to them, as the House adopting any reforms. What had been their conduct for some months past? an unceasing endeavour to degrade and vilify the House. This system would be defeated, if the House were really to adopt wholesome and rational but temperate measures of reform.

Having made those observations by way of preface, it would be necessary for him to state in some detail, the ideas he entertained with respect to the resolution which was proposed. He never did consider the abolition of sinecures as a thing desirable principally on the ground of economy and the absolute saving which would result from it. It was not in this light, that he had ever represented it, for he knew full well that it was only in the great establishments of the country that great retrenchments and material must be looked for. He hoped that by the beginning of the next session, great savings would be made in those points. The House was aware that his plan was to give pensions to those, who had filled for a length of time high and efficient offices of the state, and he would make the fund to be appropriated for rewarding merit of this kind, equal to the produce of sinecures at any year in his Majesty's reign. He conceived that the influence of the crown had very much increased of late years, and that the increase of private wealth by no means balanced that increase. Besides our great naval, and military establishments, the perpetual increase of taxes required a perpetual increase of revenue officers and of places. He did not mention this circumstance from any wish to diminish the proper influence of the crown, but merely as an answer to those who defended sinecures as necessary to support the influence of the crown. The fund that he would wish to provide for the reward of services instead of the sinecure places, he would wish to be left at the disposal of his Majesty. The King should be the fountain not only of honour but of reward; and he should not wish that power to be trusted to the House of Commons, as he thought it would be subversive of the first principles of the constitution. He would be also afraid to trust the remuneration of such services to the House of Commons, as he should be much afraid of that excessive liberality which they are apt to display to individuals. He thought it was most evident, that the services of the nature he had alluded to, must be rewarded in some way or other. If there was no reward to be given, men of the first talents in the country might be driven from the pursuit of places, and the country might lose much for the want of the benefit of their abilities in its service. It was perfectly notorious, that there were men eminently qualified to serve their country in high offices, who yet had not inherited great possessions, and could not devote their time to the public service without a recompence. He could not avoid applauding the honourable feeling and disinterested spirit which induced some gentlemen on the other side of the House (the Chancellor of the Exchequer and Mr. Yorke) to relinquish emoluments to which they were justly entitled from the offices they held, and he should be glad to find a similar liberality of feeling on their part, with respect to the general question now in discussion. With respect to sinecure places, it could never be in the view of any rational government, that persons should receive salaries for offices, in which they had no duty to perform; and the abolition of such offices, would rather strengthen the hands of the crown, than weaken them. He believed it was the opinion of the sound part of the country, that they ought to be abolished. They were now drawing towards the close of the session, and he entreated the House to endeavour, by acquiescing in this resolution, to preserve their character. It was true, they had been able to abstain from burdening the people with any additional taxes, which he allowed was a comfortable reflection, but still he feared they could not go on with that vigour in retrenchment which could effect any particular or essential service, a retrenchment which was at once so necessary and so anxiously looked for by the sober and thinking part of the public. He would have the House do something like an act of grace by acceding to what was so ardently expected. Let us, (said he), see whether sinecures ought to exist, whether they have a foot to stand on, and, if they have not, let us immediately abolish them; and let us not, by refusing so to do, aid the cause of those, who under the name of reform, seek for revolution.—The hon. gent. concluded by moving his amended resolution; viz. "That for this purpose, in addition to the useful and effective measures already taken by parliament for the abolition and regulation of various sinecure offices, and offices executed by deputy, it is expedient, after providing other and sufficient means for enabling his Majesty duly to recompence the faithful discharge of high and effective civil offices, to abolish all offices which have revenue without employment, and to regulate all offices which have revenue extremely disproportionate to employment, excepting only such as are connected with the personal service of his Majesty, or of his royal family, regard being had to the existing interests in any offices so to be abolished or regulated."

Lord *Milton* was always willing, if he could not get what he desired, to take what he could get, and therefore he would support the amendment, although he should rather wish to have the two questions separated as to the abolition of sinecures and the proposed indemnity. Sinecures he had long considered as the disgrace of our system, and as materially injurious, not only to the interest of our ancient constitution, but peculiarly so to the character of that House. It was absurd to maintain, notwithstanding all that had been written and said with that view, that the influence of the crown had not most materially increased of late years, or that this influence, which it was so desirable to reduce, was not greatly augmented by the existence of sinecures.—After warmly vindicating the conduct and character of Mr. Burke, the noble lord adverted to the alledged economy of the proposed substitute for sinecures. That, he observed, must depend upon the proportion which the substitute bore to the present amount of the sinecures. He was, however, free to own, that he was not sanguine in expecting much in point of economy; but he was anxious, upon other public grounds and considerations, that sinecures should be done away.

Mr. *Bathurst* conceived that gentlemen seemed anxious to get rid of sinecures without any object of practical utility in view. From the nature of the proposed substitute for those sinecures no saving was looked for, and when gentlemen talked of their eagerness to do away a mere name, because it might be somewhat obnoxious, were they sure, or had they any reason to calculate that their favourite substitute would not very soon become equally unpopular? It appeared to him, indeed, that the substitute was likely to become more unpopular, because it held out to the public the semblance of a desire to remove a burden while it only got rid of a name; because, in fact, it involved an attempt at delusion.

Mr. *H. Thornton* spoke in favour of the amendment. He denied that the passage cited from Mr. Burke in favour of some sinecures, was an authority in favour of all sinecures. He commented on the various causes concurring in producing the jealousies of the people. A nation of manufacturers could never be as contented as a nation of agriculturists; besides, there was so great an increase of population, and such a course of politics had taken place, as brought home that subject to every man's feelings, and of course extended knowledge, facilitated the communication of that species of knowledge was by the periodical press.

Mr. *Macdonald* said he looked on this measure as the first fruits of that committee from which so much had been and was still expected. The hon. gent. (Mr. Bankes) had greatly exerted himself to obtain the abolition of sinecures, and when the House considered how he had been thwarted by his Majesty's ministers at every point and turn, his perseverance had been such as to deserve the thanks of that House and of the country. He hoped this extraordinary session would not be suffered to close without shewing the people that the House had some inclination to pay attention to retrenchment and economy.

Mr. *W. Taylor* spoke in favour of the amendment.

Mr. *Wilberforce* said he did not rise to go at all into the argument, and should content himself with simply stating it as his opinion, that at all times, and especially at present, it would be true wisdom, and was a part of their public duty, to remove as far as could be done all grounds for distrust of that House on the part of the people. It was true patriotism to shew to the people of England that that House was most anxious at all times to stand well in their good opinion. He would not now argue the question, but it was not easy to suppose those persons serious who spoke of pensions proving as unpopular as the abolished sinecures. Sinecures were most unpopular—pensions were in many instances popular and justifiable. He could never, therefore, agree, that when money was to be demanded at all events from the nation, it made no difference to their unfeelings, whether it was paid for real services or given to lazy and luxurious sinecurists.

Mr. *Long* shortly replied. He said that there was no proof that sinecures were unpopular, but the opinions of those honourable gentlemen who stated that they were so, and asked if they were prepared to say, that substituted pensions would not be as unpopular as sinecures were alleged to be? The gallery was cleared for a division, when the numbers were

For the Amendment.............	105
Against it	95
Majority	—10

On our re-admission, Mr. Bankes was moving the third Resolution. The gallery was then cleared, and the motion carried Ayes, 111; Noes, 100; Majority 11.

The rest of the Resolutions were then carried.

HOUSE OF LORDS.

Friday, June 1.

[Expedition to the Scheldt.] Earl *Darnley* rose to move for certain papers from which might be collected the present state and condition of the troops which had been employed in the Expedition to the Scheldt. He lamented that circumstances had occurred to divert the attention and the indignation of the country from the authors of that most disastrous and disgraceful Expedition. As far, however, as depended upon him, he should endeavour to keep alive the recollection of such acts of criminal folly, and to cherish the just resentment with which they should be visited. It was matter of surprise and of sorrow to him, that the nation should relax in the manifestation of its heavy displeasure, at the conduct of men who had so wantonly and wickedly sacrificed the most numerous, and best appointed army that ever had sailed from the shores of this country. If the papers he should move for should be laid on the table, their lordships and the public would then see what now remained of that brave and gallant army; and they would thereby necessarily be compelled to turn it seriously in their minds, whether the men, who had thus squandered away and ingloriously sacrificed such a chosen band of British troops, should again have it in their power to inflict a loss so severe, and shame so indelible, on the British arms and nation. Perhaps not a man who had been infected with the Walcheren fever would ever be perfectly restored to the enjoyment of health, or to the service of his country. As some of the papers he intended to move for were already on the table, he should not press the motion that related to information already before the House; at least he should not think it necessary to ground any motion on them. He should, however, urge the production of further information, and to a later period, in order to ascertain what was the real state of those troops; how many had been infected—how many had recovered—and how many of them were now fit for actual service. The noble lord concluded with moving for different papers, with a view to ascertain these points.

The Earl of *Liverpool* thought from the avowal of the noble lord who made the motion, that he did not intend to follow it up with any practical measure, and that consequently he had a sufficient parliamentary ground for opposing the motion. But his opposition to the production of some of the papers should not rest solely upon that ground. He should even accede to some of the noble lord's motions, as they called for scarcely any information which was not already before the House. To the production of these papers, which would go to publish to the world the condition of particular regiments, and how far they were fit or not for actual service, he should certainly object, and that for reasons which it was, no doubt, unnecessary for him to explain, as it must be obvious to every one how impolitic it would be to give such information to the enemy. As to the general observations with which the noble lord had accompanied his motion, he should not detain their lordships with commenting upon them, as they had already been repeatedly, and in his mind, satisfactorily answered.—After a short conversation, two of the motions were negatived, and the other two agreed to.

[Gas and Coke Bill.] Lord *Sheffield*, in moving the third reading of the Gas Light Bill, said it had been the wish and the endeavour of the Committee to which the Gas and Coke Bill was referred, to obviate the objections to it. The most diligent search had been made for objections, and he understood most, if not all, had been removed, unless those to the clause which rendered the subscribers separately not answerable, except to the amount of their stock or subscription, and this clause could not be given up without altogether sacrificing the main object of the bill. He observed that great undertakings cannot be promoted and established by individuals, and that therefore it had been generally found expedient to form companies for carrying on several branches of trade, and undertakings which required a large capital, and a steady perseverance not dependant on the exertions or life of an individual.—England owed much of her prosperity to such companies. Incorporated companies were the parents of almost every branch of our foreign commerce; and to encourage them great privileges were granted, and for a long term of years they enjoyed monopolies and exclusive rights, and other advantages, which, when the country became rich and more commercial, were found to be not only unnecessary, but prejudicial, checking enterprize and preventing competition.—The petitioners for this bill desired none of the privileges that were objected to in the old charters; they desired no monopoly or exclusive rights, and were satisfied to be limited to the term of 21 years. As to the suggestions which had been thrown out, in direct contradiction to the plain meaning of the bill, that if not expressly it would virtually give a monopoly and exclusive rights—that its provisions were obligatory on the public—they were too refined or sublime for his comprehension.—Unless the subscribers, who were very numerous, and of course could have little to do with the conduct of the business, were exempt from the operation of the bankrupt laws as is usual in such cases, the undertaking must entirely fall to the ground.—Nothing was desired but what had usually and lately been granted to companies of the same nature, viz. insurance companies, navigable canal companies, companies for the supply of large towns with water, to the Flower company, to the Whitstable fishery, to the Northumberland fishery, and the same as was granted to the Highgate archway company, on the very day the objection to this clause was first stated.—He was in no shape nor in any degree personally interested in this bill; he was requested to attend to it by some friends, which having done, and having carefully examined the evidence and several statements respecting it, he was convinced that great public benefit might be derived if the undertaking succeeded.—It was not merely gas light which would be obtained, and much money saved now paid to foreigners for tallow and oil, but several other articles of, perhaps, still more importance, such as coke, tar, pitch, asphaltum, ammoniacal liquor, and essential oil, for which we were in a great measure dependant upon other countries; and all these were to be obtained from coal, an article which this country possesses in an eminent degree; and which would not be wasted in the operation, but continue good fuel, and for many purposes in an improved state; and most of them may be procured from slack or refuse coal, which now lies useless in vast heaps, and is considered of no value.

Earl *Stanhope* mentioned the pernicious effects of the gas, when experiments on it were tried at the Lyceum, four or five years ago, and the danger which might arise in the metropolis, if this mode of lighting was resorted to, from a whole district being suddenly left in darkness through an accident happening to one of the main tubes.

The Duke of Athol defended the bill, and the marquis of Lansdown observed, that a great improvement had taken place in the experiments lately made with the gas. After some observations from the earl of Lauderdale and lord Redesdale, the bill was read a third time and passed.

HOUSE OF COMMONS.

Friday, June 1.

[COMMITTEE OF SUPPLY.] The House having resolved itself into a Committee of Supply, to which the report of the commissioners for the redemption of the land tax, and the accounts relative to queen Anne's bounty were referred,

The Chancellor of the Exchequer moved, That a sum not exceeding 12,000*l.* be paid to lords Glenbervie and Auckland, for their services as commissioners of the land tax, from the year 1799, up to the present period.

Mr. *Calcraft* said, that, without pronouncing any opinion upon the particular services of these two noble lords, in their capacity as commissioners of the land tax, he still was of opinion, that, as they both received large pensions, and particularly as lord Glenbervie held the office of surveyor-general of woods and forests, the country had some claim to their services in the office alluded to, without being obliged to grant them such specific remuneration as was now sought by the proposed resolution of the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* did not conceive, that merely because persons enjoyed pensions for their former public services, therefore the country had a right to their future labours for such a space of time as ten years, without being bound to render some remuneration for their trouble and responsibility. They had already sat and performed the arduous duties of commissioners, without having received hitherto any remuneration. As their labours were likely to be brought to a close in another year, the Committee would, he trusted, see the propriety of acceding to his proposition. It was an additional recommendation with him to bring forward the present proposition, understanding, that it was the intention of the last administration to have submitted a similar one to the consideration of that House. He begged to be understood as adverting to that point with no other view but this, that he felt more strongly the propriety of making a proposition, which was also supported by their authority.

Mr. *Creevey* admitted the very great political services of lord Auckland, but he could not recognize the claims of lord

Glenbervie, to enjoy at the same time both pension and remuneration.

Sir *J. Anstruther* took a view of the first appointment of these noble lords, when the extent of the duty was not understood. It became very laborious, and he believed the country was much benefited by their able and arduous exertions. He contended that both the noble lords had a full claim from past services to their pensions, and therefore he could not accede to the objection, that having pensions for former services, they were not to be remunerated for future trouble.

Mr. *Calcraft* had no notice whatever of such a proposition until it was actually moved in the committee. From what had passed, he did not regret the opposition he made to it; its principle was wholly unjustifiable, and likely to be perverted to very pernicious purposes. It went to establish new offices, to which emolument was attached, without the consent of that house, and in some cases, in a manner wholly evading direct and positive statutes. For instance, lord Glenbervie might be, as he believed he was, a member of that House in 1799—he was then appointed to a duty from which no emolument was known to accrue, but now after ten years a remuneration of 6,000l. was required for him, amounting to a salary of 600*l.* a year. If such a salary was in contemplation at the time of the appointment, the House would have more duly considered, before it voted such grants; at all events, that noble lord would have been obliged, on accepting the office, to have vacated his seat. By the present proposal of remuneration therefore for past services, new offices were created, and a positive statute evaded. With respect to the merits of the noble lords, however there was a marked distinction. Lord Auckland had discharged great public duties in a most exemplary manner, for which the country was highly grateful, whilst, though much was heard of great remunerations to Lord Glenbervie, very little was known of his public merits.—The House ought to pause before it acceded to these demands made every session of parliament, for increasing the salaries of civil officers, at the time that it felt itself wholly unable to add to the scanty subsistence of its meritorious military and naval officers. It should not heighten the grievances of the latter by favouring others, when it was unable to help them. He hoped therefore that the right hon. the Chancellor of the Exchequer would hav no objection to let the resolution stan over until the next committee of supply.

The *Chancellor of the Exchequer* though the resolution might then pass, and tha the discussion could take place on th report, which might be deferred unti Tuesday next.

After a desultory conversation it was a length agreed that the resolution itsel should be postponed until the next Committee of Supply on Wednesday next.

The *Chancellor of the Exchequer*, the moved, that a sum not exceeding 100,000*l* be granted without deduction to the governors of Queen Anne's bounty, to be applied by them for the relief of the poorer clergy. In bringing forward thi resolution he felt he had no apology t make, but for the period of the session a which he submitted it to the consideration of parliament. The delay arose altogether from a wish on his part to obtain all the information he could upon the subject, before he should submit any proposition to the House respecting it. He was now in possession of the report of the governors of Queen Anne's charity, respecting the disposition of the sum granted las year by parliament, and upon that he felt fully warranted in proposing a simila grant in the present session. The right hon. gent. then detailed to the committee, the steps taken by these gentlemen in the distribution of last year's grant, by affording relief in the first instance to the incumbents of livings under 50*l.* improved value, then under 60*l.* and so in succession. He was sure it would be the wish of the Committee that those who had the cure of souls, should have a competent provision. It was desirable before any final arrangement should be proposed, to have a number of accurate and authentic returns, as well with respect to the exact stipends, as to the state of residence, the population, the proportion of the population to the revenue, and the number of livings in each class, under 50*l.* 60*l.* 100*l.* and 150*l.* improved value. There was much difficulty in ascertaining exactly all these particulars, respecting each parish, but it appeared from some of the returns, which had been procured, that, in some parishes, particularly in the populous towns of Manchester, Sheffield, Birmingham, Coventry, the population was out of all proportion to the revenue, not amounting to more than 8*d.* per head. But the most important of the objects, which he looked far from providing for the poorer clergy, was that it would promote the residence of the clergy, an object which he feared would not be accomplished by the act of last session, without the adoption of other accessary measures. The total number of benefices, in England, was 11,731, and out of these 4,412 had resident clergymen, and in the remainder being between six and seven thousand, or nearly two-thirds of the whole, the clergymen did not reside. Of those, however, who were returned non-resident, several were strictly resident either in their own or their friend's houses, thought not legally resident in parsonage houses; and many others who performed the duties were resident in adjoining parishes. Upon the whole, however, it was clear that non-residence prevailed in above a moiety of the whole number of benefices. This was a state of things which the Committee would agree with him, ought if possible to be corrected; but it would be matter for future consideration, whether the remedy should be sought in the enforcement of strict residence, or in the adoption of some new regulation, as to pluralities; and as to distance at which residence shall be legal. When the Committee considered the benefits that had resulted from the application of Queen Anne's bounty and of the grant of last session, he was persuaded, that it would cheerfully accede to his motion. On the question being put,

Mr. *Tierney* expressed strong doubts with respect to the propriety of this grant. The higher clergy, he said, had received all the advantage of the increased value of the first fruits and tenths, and he saw no reason why they should not be called on to contribute to the improvement of the inferior livings. The present session was too far advanced to enter into any extended enquiry or arrangement of this kind; but he would recommend it to ministers to arrange some plan during the recess, that might provide for the better payment of the poorer clergy, without imposing any additional burdens on the people. He thought such a measure would at present be obnoxious, as the taxes were already too much increased. The pay of the army and navy remained unincreased, and he had no doubt that it would be very unpalatable to the people to have additional burthens imposed on them on the ground of providing for the clergy, when it was considered that the higher orders of that body were so well paid, and in a situation so well able to afford an increase of livings to their inferiors.

Mr. *W. Smith* thought the object a very proper one; but mentioned, that in the county in which he lived, some of the clergy had talked of collecting tythes in such a way, as to make them a fourth or fifth of the rents of the kingdom. He hardly thought a time when such doctrines were maintained a proper one to load the country with this burthen, when it might be borne by the church revenue.

Sir *J. Newport* was of opinion, that it would have been but handsome in the higher clergy themselves to have come forward in aid of their poorer brethren. If the first fruits and tenths had been in the hands of the crown at this time, they would have been amply sufficient for this purpose; and even if there were a legal difficulty as to the construction of the act of Anne, the higher clergy might perhaps have been expected to make a voluntary grant for the relief of the poorer class of their own body.

The *Chancellor of the Exchequer* thought the act clear against any claim on the church property. And it would be injurious to disturb that law now, as even a great many of the lay impropriators had purchased upon the faith of it. He did not consider the House as pledged to continue this grant; but he thought it ought to be continued.

Lord *Milton* concurred in the object, but rather thought there might be a disposition of church property applicable to it. He complained of the little accomodation in churches in great towns for the poor, to which he ascribed in a great measure the alarming increase of meeting houses and sects.

Mr. *C. W. Wynn* was for a new valuation of benefices for the increase of the first fruits and tenths, or a tax, instead of this, should be imposed on the higher clergy. They all agreed that the inferior livings ought to be raised, the difference was only as to means. The want of churches called more loudly than any thing else for parliamentary interference. He did not think they really made use of the means they had. The cathedral of St. Paul's was almost unoccupied. The aisles might be converted into places of worship for the lower classes of the people, without defacing in any degree its elegance.

Mr. *Wilberforce* was glad that no objection had been made to the object itself. The public was very much indebted to the right hon. gent. for the proposition he had brought forward, when they considered the habits and poverty of the clergy and how useful a body of men they were. It was desirable they should be enabled to bring up their families respectably, with all due economy, no doubt, but so as to enable their sons to fill up their places in the church, to whom alone they could look for a valuable succession of inferior clergy. He lamented the want of churches and the want of attention to the accommodation of the poor. He was desirous that churches should be erected by the public; but if not, by individuals. He did not approve of the idea which had been thrown out that the rich and the poor should attend at different hours. One of the chief objects of public worship was to bring them all together. Even in those countries where it was reckoned pollution for one cast to mingle with another, they all met together at the temple. This grant would increase the comforts of the poor rather than detract from them. The spreading of Christianity was the way to encourage charity. Before Christianity the name was unknown; and here where Christianity prevailed in the purest shape, charity must be prevalent in a high degree.

Mr. *Creevey* contended in favour of a new valuation of benefices. The church gained by every improvement in the country, without any risk, and it was too hard that the people should be called on to give them so much more from the taxes. The church was already sufficiently endowed, and parliament, he contended, had no right to create a new fund out of taxation. The act of queen Anne, he contended, implied that the whole of the first fruits in their improved value, were to be applied to that fund.

The *Solicitor General* entered his protest against this doctrine, and argued that no doubt could be entertained on the subject of the statute. He denied that conformably to that act a valuation could be made, or consistently with justice such a measure could be resorted to.

Mr. *H. Martin* was surprised to hear the doctrine advanced by the hon. gent. He referred to the act of queen Anne, and the act of the 26th of Henry 8. By that of Henry 8, the first fruits and tenths, that had before that time gone to the pope, were appropriated by the crown. No increase had since taken place in the valuation, though times had very much altered. It was in the power of the crown at any time to renew the valuation, and this privilege, along with the fund itself, had been transferred by the act of queen Anne to improve the poorer livings of the clergy. If a new and fair valuation were now made, there would be no want of means to augment those livings without burdening the people. It was evident that the act of queen Anne did not mean to confer a benefit on the high, but the poorer clergy; but if no new valuations were to be admitted, the superior clergy, it was unquestionable, would alone reap the advantage.

The *Attorney General* supported the opinion of his hon. and learned friend (the Solicitor General) and contended that parliament had no power, after the act of queen Anne, to make any new valuation, as the amount by that act was fixed.

Mr. *Tierney,* with all due deference for so high an authority, had still great doubts on the point.

Mr. *A. Baring* thought it a very serious subject, and contended that a proper distribution of the church revenue would have answered the purpose. He ascribed the increase of sectaries and meeting-houses to the negligent or improper conduct of some of the clergy in the great towns. Those in the country who performed the greatest part of the duty were the least adequately remunerated.

The Resolution was then put and carried.

[Bribery Prevention Bill.] Mr. *C. W. Wynn*, on account of the urgency and importance of the other business which the House expected to come on, would very shortly state the nature of the bill it was his wish to introduce. He did not complain of the existing laws not punishing sufficiently the crime of bribery and corruption in the election of members of parliament, but what he complained of was, that too much difficulty existed in proving them. The object of his bill would be therefore to remedy this evil, and to provide for the indemnification of witnesses, whom it might be necessary to examine; and also to do away that clause which secured petitioners in election cases from being interrogated.—He accordingly moved for leave to bring in a bill to amend the acts on the subject of bribery and corruption.

Mr. *Johnstone* would not now enter into the discussion on the merits of the bill; but he took this early opportunity of protesting against its principle. It proceeded on no alleged case to warrant legislative interference; and nothing could be more mischievous than to legislate without due cause on so delicate a subject as the representation in parliament and the election of its members.—Leave was then given to bring in the bill.

[ROMAN CATHOLIC PETITION—ADJOURNED DEBATE.] On the order of the day for resuming the adjourned debate upon the petitions of the Roman Catholics of Ireland,

Mr. *Hutchinson* rose and said, Sir; It is a heartless task, to address you on an exhausted subject; the arguments in favour of the petitioners have been so often urged, are so abundant and unanswerable, the objections so illiberal and unjust, that it becomes wearisome to repeat demonstration, and useless to notice that which has been so often refuted. But whatever may be the private conviction of gentlemen, as to the wisdom and necessity of this measure, the prayer of the petitioners having been again, and again, rejected; it is incumbent on those who are friends to Catholic emancipation, however painful to themselves, or embarrassing to you, once more to urge the cause of millions.

It was the opinion of a most enlightened statesman, that "no other christian country for so long time and without intermission, had been subject to such successive calamity, and insult, as Ireland," whose inhabitants, had been distracted and divided by a contrariety of interests frequently and artfully fomented, whose government had rarely been conducted on wise or honest principles, its favours even being so conferred as to preclude gratitude; favours but too often accompanied with contumely, and seldom yielded but in the moment of danger, and alarm—a country where there has been no violence of power, no artifice of fraud, omitted, to blast the character, and ruin the misfortunes of her people: a country with which gentlemen are as unacquainted as they are with Siberia, or the interior of Africa. Their scanty knowledge too is derived from the most polluted sources, from partial authors and hired libellers, for few persons have dared to write, or speak the truth. But you are sick to death of this subject; you are anxious to hear no more, being resolved not to afford relief, while I am conscious that vain is my appeal to your justice, or to your wisdom. Your hearts are hardened, your minds infatuated, as if it were decreed that you were to expiate the crimes of your ancestors, by the ruin of the Empire. The popery laws were in their commencement, unnecessary and unjust, in their progress, severe and merciless—in their duration, and to this hour, oppressive, insulting, impolitic. They were made in violation, of solemn compact of the great charter of the civil and religious liberties of the Catholics (the treaty of Limerick,) at different periods of profound peace; by an insolent faction, over a plundered, unoffending people." The reasons assigned for enacting this unparalleled code, "the fruitful source of still increasing mischief," were, principally, the temporal powers of the pope, the attachment of the Catholics to him, and to the Stuarts, and the state of Europe, which at different periods excited the jealousy, and alarmed the government of this country. On these pretences, the Catholics were subjected to several new pains and penalties, inflicted at one moment for alledged offences, which they had not committed; at another, from an affected dread of possible misconduct, frequently from the visitings of a guilty conscience, haunted by the fears of merited retaliation, and often in consequence of the struggles, and to promote the views of political factions contending for the ministry. Read these statutes. Look to the periods when they were passed. Ireland perfectly quiet—the Catholic powerless and prostrate! Yet at every relaxation of this disinheriting, disqualifying, barbarous, and barbarizing code, however at first insignificant or progressively important the concession, the constant cry on the part of the intolerant was, that the church and state would thereby be greatly endangered; the country ruined! yet notwithstanding such prophecies, and affected fears, the prosperity of Ireland rapidly advanced with the improved state of the Catholics. Much of this code, it is true, has been repealed, but repealed as it were, in order to perpetuate what remains. The principle of conferring civil rights and political liberty on the Catholics as a body, has been fully and repeatedly admitted by the concessions which have been already granted, and which only could have been dangerous, as they conferred influence and consideration on the Catholic population, who even by the most uncandid, could alone be supposed capable of abusing them. But the disabilities which exclude the highest rank and fortune, which affect those who are the most distinguished for their professional talents, for their loyalty and patriotism, who are beloved and admired for their mental endowments and virtues, for their upright discharge of every social and public duty—and ever renowned for their heroism and valour, those disabilities degrade and materially injure the humblest individual, who has in fact no security so long as those who profess his religion, are on that account, considered unworthy of holding places of confidence and emolument. While the principle is most injurious to the prosperity of Ireland, and of the Empire, for in every walk of life, it most powerfully tends to repress the impulse of ambition, and the exertion of talent, from the mortifying recollection, that all the avenues to high and honourable station are for ever closed against them, all the rewards of exalted virtue, and of the most brilliant mental endowment for ever denied them. Some opposers of this measure object to political power being granted to the Catholics, from an alledged apprehension that were they admitted to a part, they would usurp the whole. The Catholics by their oaths disclaim this disposition, declaring that they seek only to participate, not to monopolize, and in fact, they do not possess the power, even had they the inclination, for of the united empire, they do not constitute the physical strength; so that the Protestants would always retain in their hands, the means of effectual resistance. Other gentlemen consent to admit the Catholics, provided they take what are called the qualification oaths. Of the four so designated, the Catholics already take, or are willing to take three, those of allegiance, of abjuration and of qualification as to property. Of the oath of supremacy, they take a considerable, and the most material part, for they abjure the doctrines of excommunication, and deposition of princes, that of the absolution from oaths, that no faith is to be kept with heretics, or that any foreign potentate has any temporal power or jurisdiction within these realms—and they only reject that part which calls upon them to renounce their spiritual communion with the see of Rome, that is, in other words, they refuse to abjure their religion; and what they swear in Duigenan's oath of there existing no danger to your Protestant state from them as Catholic subjects they corroborate by the answers of the most eminent catholic universities of Europe to the doubts of your government, as to the principles of their religion, and the power of their spiritual chief. As to the declaration, they cannot sign against the tenets of their religion, nor admit that as Catholics they are idolaters, and therefore doomed to eternal punishment. But they have already by this same Duigenan's oath, given the state very rational security, for by it they swear to every thing that ought to satisfy you, except indeed to the infallibility of the Protestants, and to their vicegerency here on earth! Was that oath framed in the plenitude of malice, in the hope that it might be rendered so unpalatable, that the Catholics could not subscribe to it, and thus subject themselves to every imputation of disloyalty, or with the concealed intention of still treating them as dangerous and unsafe, even after they had submitted to this most severe ordeal. But it is evident that you are resolved to doubt all their professions, however strong and solemn, yet can there be a more convincing proof of the conscientious delicacy of the Catholics, as to the nature and obligation of an oath, than their having for so long a time, permitted their temporal interests to be essentially prejudiced, precluding themselves from the state, from office, and situation, merely because they refused to qualify, and how can they believe you serious in calling upon them to take these oaths as a security, when notwithstanding the many pledges they have already given, such as few governments have ever exacted from subjects, you still treat them as disloyal and unsafe. Surely this their refusal to qualify from a religious scruple, ought to be considered as our best security for their strict adherence to the letter and spirit of those oaths, by which they are already bound, not to monopolize, but to protect the property and privileges of the Protestant community, not to overturn, but to defend the state.

The member for Bedford has congratulated the House on the objection of the coronation oath, being no longer urged; but the noble viscount's (Castlereagh) forcible appeal, as to the deference due to the pious scruples, supposed to exist in the illustrious and exalted personage he alluded to, proves that the objection is still relied upon, for these scruples can only result from a certain construction put upon the coronation oath. Let us look to the period when this oath in its present shape was framed. William the 3rd, who first took it, did not consider himself as thereby prevented from giving the royal assent to the act in favour of dissenters, as to the oaths of supremacy and allegiance, which had been deemed necessary for the security of the church; and which by being in existence at the time of the formation of this coronation oath, might have been considered as constituting an essential part of the revolution system. This example is conclusive for this part of the argument, as it proves the construction of the oath by those who framed it, and of the king who first subscribed to it. Many other examples could be given at different periods of our history, to shew that this oath was not considered as preventing the king from granting civil advantages to his subjects of any description. In those reigns, during which much jealousy was harboured, and considerable severities exercised against the Catholics, when neither the monarch nor the parliament can be suspected of partiality, or of much liberality of sentiment, the coronation oath was not considered as a bar to relaxation of religious disabilities. In the reign of Anne, when Scotland was united to England, the queen was not considered as violating her Protestant coronation oath, when she swore to defend the presbyterian church of Scotland. And this after objection taken, and the point discussed. In the reign of the two first Georges, there were acts in favour of dissenters, quakers and Jews. Yet these princes had all taken this same coronation oath. On a parity of reasoning, there is nothing to prevent similar acts in favour of Catholics and to any extent. It is rather late to interpose this case of conscience, between our gracious sovereign and his people. His reign having been distinguished by tolerance and benevolence towards his Catholic subjects, not only of Ireland but of Canada. And should their prayer be now rejected, as contrary to the coronation oath, the violations have been already frequent and conspicuous. But are gentlemen ignorant, that at the period of the formation, or rather new modelling of the coronation oath, Roman Catholic peers had seats and voted. That Catholics were then eligible to the House of Commons, as also to civil and military offices. It was the statutes of the 3rd and 4th of William and Mary, and the 1st and 2nd of Anne, which incapacitated them. How then can the coronation oath be considered as pledging the king to continue disabilities which did not exist at the time of its formation? He has not sworn that in order to defend the church, he would resist every measure conducive to the happiness and benefit of his people. Besides on what a sandy perilous foundation would this argument rest the church establishment. Were this mode of reasoning admitted, it would follow that any concession obtained by the subject from the crown, or that any alteration of any kind, in the constitution since the revolution, were so many infringements of this oath, which does not militate against the liberties and privileges of the subject, but was framed by freemen to protect them against, not to establish tyranny. But should this construction be erroneous, let the oath be revised, and rendered more consistent with the true principles of the constitution, and the happiness of a free people. We have lately heard of the existence of Jacobins and levellers in this country, I should have no hesitation in looking for such persons amongst those who urged the objection as to this oath; for the argument tends to excite jealousy between the king and the people, by holding out the chief executive magistrate as the only remaining bar, to the first hopes and expectations, of so great a portion of his subjects. I may be asked, whether I would have a Protestant king and a Catholic parliament? This is another phantom of the brain, for if all the Irish commoners, members of this House, were of that persuasion, there would still remain 558 Protestants against 100 Catholics. Gentlemen, however, well know, that a very small proportion of the Irish members would be of that religion. As to the Peers, I admit, that there exists considerable difficulty indeed. The chancellor of the exchequer for Ireland, in his statement a few nights since, observed, that it was much the custom in this country to live on puddings: if I am correctly informed, it is no less that of Scotland to live on oatmeal, and we Irish certainly cannot deny the charge of the potatoe, the extraordinary qualities of which have been elaborately discussed by learned commentators, whose observations have been fully corroborated by the uncommon population of that country. It therefore would be hazarding much, to answer for the consequences, of the admission of (I think they are seven,) seven sturdy potatoe fed Catholic peers, among 16 rawboned Scotch lairds, filled with oatmeal, and 400 dainty pudding-crammed English barons! You are repeatedly informed that the Irish are discontented. Can such a disposition exist without a cause. Are not the people in all countries what their governments make them? If they feel happy and content, it is because the system observed towards them is liberal and kind. When they complain and resist, they have been ill treated and outraged*. Look to the Hugonots in France of your own religion, ever discontented; Why? because they felt themselves insulted, stigmatized, and oppressed. Such were your ancestors, the Britons, when they formed a plot to murder their Danish tyrants. Such the Saxons, until they became amalgamated with the Normans. Such the presbyterians in Scotland, until they had completely emancipated their religion. Such the people of England, previous to the death of the first Charles, and the revolution. Such the Sicilians at the close of the 15th century. Such the Anglo Americans. So is man, so has he ever been in all countries! By the Revolution of 1688 in England, the people were protected in all their rights as citizens, and had a complete and equal interest in the constitution, whereas the severe and jealous policy of the Irish Revolution dispossessed of property, disqualified and outraged several millions of the inhabitants.—In England, the people triumphed over a faction; in Ireland a faction over the people. In England the religion established, was that of the people—in Ireland, though the religion of the people (the Catholic) was by treaty solemnly sanctioned—that of the state was Protestant, and professed by the very few, while ultimately the Catholic religion became proscribed. The Revolution of Ireland, which did not take place till three years after that of England, namely, in October 1691, was the establishment of power of the smaller number, at the expense of the civil liberties and properties of the far greater part, and of the political liberties of the whole. The fundamental principles of your Revolution, and the stipulations of the treaty of Limerick, are at this hour violated in the persons of the petitioners.

At the Union the governments of both countries, perhaps, with more of shameless effrontery, than candour, confessed that the reiterated complaints of the Irish were fully justified, who were thus, after centuries of misrule, promised redress from an imperial parliament. The most defective part of Irish policy, has ever been found to consist in the unnatural and unprecedented proscription of the people. The noble viscount (Castlereagh) declares that it would be a happy circumstance, for Ireland, and for the empire, that sectarian interests did not so much prevail. Mr. Pitt, aware of these feuds, designed to infuse new health and vigour into the state, by erasing from the statute book, the principle of exclusion. The noble viscount would not say that something might not have passed at the Union, some extraneous circumstances, calculated to excite the expectations of the catholics; but he is positive that no direct pledge had been given, and he admits that the Irish government were glad to have the concurrence of the Catholics on that occasion. Might he not have added, that this measure could not have been effected, had the Catholics been hostile, and will not his lordship confess that they would have been decidedly so, had they expected that the Union was to bar their just claims and expectations. And does he not recollect that while lord Cornwallis in the most positive manner declared, that the principle of exclusion did not form a part of the measure of Union, the servants of his government, and his most active partizans were at the same moment occupied in diffusing Mr. Pitt's speeches, which were spread throughout Ireland, particularly in the most catholic counties, by means of post office expresses, on which speeches there could be but one construction by any jury, namely, that that minister was favourable to emancipation, and desirous to hold out the strongest expectations to the Catholics of the total repeal of the penal code after the Union. Therefore the Catholics may fairly be considered as deluded, and cajoled. They were induced not to oppose their national degradation in the hope of finishing that justice here, which the discussions at that period taught them to expect. But says the noble viscount, and another late secretary of state (Mr. Canning) "there has been no opportune moment, for considering their claims since that event." No opportune moment! to appease the discontents, and to avail ourselves of the united energies of a brave and high spirited people? What! not when Buonaparté was over-running Holland, Switzerland, Italy! not when he had in one day annihilated the power of the house of Brandenburgh!—not when on the banks of the Niemen, he threatened the ruin of the Russian empire! Not when twice in possession of the Austrian capital! or now, when on the eve of being the undisputed master of Spain, Portugal, and the whole continent of Europe! Did none of these events following each other in rapid succession since the Union, and most of them during the administration of these gentlemen—did none of these afford in their judgment, an opportune moment for union and conciliation? What are the political resolutions they yet expect? or do they wait for the convulsions of nature? The right hon. ex-secretary (Mr. Canning) says he is not prepared to give the triumph to Catholic or Protestant—to grant the victory to either side." To talk of triumph, where battle is humiliating, and victory disgusting!—where liberty would mourn and despotism exult!—where the elevation of France, and the subversion of the empire, would be the disastrous result of so unnatural a contest!!!

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* In 1704 the Hugonots destroyed in the course of a few months in Languedoc 4,000 Catholics, 80 priests, and at the same time they burnt 200 chapels.

These discussions on the Catholic claims have been peculiarly remarkable for the variety of ways in which they have been resisted. Every species of argument has been successively urged and resisted, and every accusation, however illiberal, false, and ridiculous, repelled. Formerly the press teemed with libels, and even within the walls of parliament every ungenerous invective was uttered. But it has of late appeared to be the wish of gentlemen to oppose this measure by their silent unexplained votes, rather than by courting discussion. Even the renowned champion of intolérance (the member for Armagh) has been shamed, or counselled to silence. We sometimes indeed hear of his productions, but only to blush for and condemn them. But the right honourable and learned member for Oxford has now entered the lists in a more formidable, because a less tangible shape, for whilst he refrains from stating charges which might be repelled, he insinuates every thing. It was doubtless his duty to have obeyed the wishes of his constituents, by submitting their opinions on this question to the House*, but as from extensive information, and superior talent, one naturally expected sentiments of generous liberality, it was impossible to avoid feeling surprized at the satisfaction he expressed in resisting the prayers of so many millions of subjects. The learned judge at the same time that he professed his reluctance to say any thing on so painful a subject as that of the religious dissentions of Ireland, observed that "from what had happened in the memory of the youngest, it surely could not be deemed safe to legislate for that country, forgetting all that had passed." Thus he seemed disposed to quarrel with that beautiful sentiment, that "oblivion was patriotism, and concord salvation." Had the early and faithful friend of Ireland permitted himself to dwell on the sufferings of that people—had not his forbearance and moderation restrained his indignant feelings, had he not stifled his ardent and generous passion for his country, his powerful eloquence must have excited the sympathies of every man, who was capable of feeling for the wounded honour of an insulted and long oppressed people! but with great judgment, with true generosity, he suppressed the tale; convinced indeed that "oblivion was patriotism, and concord salvation." The learned judge professes his willingness to forgive! ere he assumes the attributes of mercy and offers pardon, let him recollect who were the aggressors, and that forgiveness is the grand privilege of the injured!

His allusion to those late events, which he reminded us were fresh in the memory of the youngest, must have referred to the disturbances in 1798. Does he mean to insinuate that they originated in religious animosities? His political divinity Mr. Pitt, declared positively that they did not. —The Catholics may with the most perfect truth be absolved from having created that rebellion. Many Catholics it is true, were concerned, for when any country is in a convulsed state, amongst that religion professed by the great mass of the population, will many of the rebels necessarily be found; so it certainly was in Ireland. But as proofs that it was not a war of religion, on the part of the Catholics, all the leaders (I mean those of rank and situation in the country) were Protestants, Presbyterians, and Dissenters, not Catholics. The most Catholic counties were the least disturbed. The Catholic nobility and gentry, were armed in their different counties, and conspicuous for their zeal and loyalty, as were the clergy and hierarchy, in their exertions and exhortations to bring back the deluded to their senses, and to protect their Protestant countrymen. Of two thousand Catholic clergy, not more than twenty joined in the rebellion, and these were amongst the lowest orders, many of them previously reprobated characters, and disgraced by their ecclesiastical superiors for their conduct at that period; nay, the very men who put down that rebellion, were in a great proportion Catholics, namely, the Irish yeomanry, and militia. I will not dwell on the outrages committed, but notwithstanding all statements to the contrary, I assert, that the King's troops, and many of those who acted in the name, but who abused the authority of government, were much more violent and ferocious in their conduct, than were the most unprincipled and sanguinary among the infuriate rabble. This rebellion therefore has not in the slightest degree invalidated their claims, or proved the Catholics as such, unworthy of that confidence, to which the Parliament of Ireland, and the King, had so frequently declared them entitled. When the learned judge gave the sanction of his name to a charge so unfounded, it might have been expected that he would at least have stated the question fully, and thus have administered some antidote to the poison. Instead of ascribing those ever-to-be-lamented disturbances solely to religious causes, he might, and surely ought to have stated, that but a little previous to that period, a political fever, occasioned on the part of the French government by an infatuated perseverance in despotic rule, by a distrust and contempt of the people; and greatly heightened by the intemperance and crimes of one of the most polished nations of the earth, suddenly burst forth in France, destroying the proud and "time-honoured" establishments of other days; in its violence spreading "wild havoc" through the ranks of every family, the most ennobled as the most humble, breaking all the endearing ties of private life, and leaving the pall of mourning at each man's door. For peace, confidence, and order, substituting civil broils, distrust, and universal alarm! and finally extending its baleful influence to almost every country in Europe, desolated, and levelled all around! This pestilential disease unfortunately reached Ireland. But has the learned judge forgotten that at that awful period, the person of the sovereign was not deemed safe in the capital; that the constitution even of Britain was suspended!

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* This University makes but an ill requital.—She had some of her early founders from Ireland—and if Nicholson, Usher, Ware and Bede be not fabulists, the Irish not only hospitably received, and educated the children of Britain, but assisted her to establish her own schools and colleges—in return she destroyed those of Ireland, and banished the Irish student; but such ingratitude is not new in Irish story.

What causes can now be assigned for confirming the existing disabilities? The usurped authority of the Pope over the weakness, or ignorance of christian princes is abolished!—Perhaps, in contemplating the fate of this once formidable power, you will be disposed, in lamenting the instability of fortune, to learn humility even from the afflictions of your enemy! The Stuarts are extinct! and here I cannot refrain from observing, that had the second James not been as contemptible a general, as he was an ardent polemick, the loyalty of the Irish Catholics would now be proverbial, and held out as an example worthy of imitation. They had suffered much by their conscientious attachment to that ill fated house; and they continued to be persecuted on that account, long after their connection and intercourse with the exiled family had ceased. As to the state of Europe, is it such now, as it was at the close of the seventeenth, and beginning of the eighteenth centuries? Have you now to apprehend on the part of the sovereign of France, a descent in these islands, for the purpose of substituting a Catholic for a Protestant King? Buonaparté, it is true, meditates your subjugation, but has he hitherto achieved his conquests by means of the tiara, and the thunders of the Vatican? Can he (as Louis 14 formerly) seek to accomplish the downfall of Britain, through the affections of the Irish people for an abdicated sovereign, whom they considered as a martyr to his, and to their own religion? Can he anticipate the respect, gratitude and cordial support of the Irish Catholics. He who has mocked, insulted, dethroned, and enchained the spiritual head of their church? Can you now, as then, inflame, and direct several of the most warlike states of the continent, against the formidable and still encreasing power of

France? Are the courts of the Hague, Vienna, Berlin, and Madrid, disposed and able now to make common cause with you against the occupier of the Bourbon throne? Is Buonaparté so very defective in his combinations, so wretchedly contemptible in his means, that you can now afford to dissatisfy several millions of your fellow subjects, and to perpetuate their discontents?

But admitting the enacting of the penal code to have been justifiable, nay necessary at the periods alluded to, or at least circumstances to have been then such, as to have enabled your ancestors, to persecute the Irish with impunity, does not the state of Europe at the present day imperiously urge and command you, to conciliate and unite? Do you hope to contend successfully with Buonaparté, while you suffer one fourth of your people to feel, that they have not a common interest in the struggle. Will you suffer your bigotry to cut the very sinews of your strength?

But who are the opposers of this measure? not the people of Ireland, for they are the petitioners, not the Protestants, who, I verily believe, could be polled in its favour, for happily the spirit of tolerance is abroad, even though the people of England and Scotland were to be excited to an infatuated and illiberal resistance of the Catholic claims, it would still be the bounden duty of the Irish members to persevere in their efforts to obtain this, and other important objects, and were they but as much distinguished for unanimity, as, unfortunately for their country, they have hitherto been for their dissentions, no measure beneficial to Ireland could be resisted by the clamour of a mob, or by the still more disgraceful prejudices of parliament. Doubtless many most respectable individuals in both countries, are on principle averse to the measure, but they are not dangerous, for however contrary to their own opinions, they would not continue hostile to any arrangement calculated for the immediate advantage of so great a proportion of their fellow subjects, and eventually of the empire. The real opposers of emancipation, are the bigots, the persecutors, the monopolizers of allegiance,—"the only attached!—the only loyal!" they who would trample the people in the dust, while subsisting but on their spoils—they would war with the whole Catholic world, they would proscribe a creed professed by the most distinguished statesmen, the profoundest philosophers—the most enlightened divines; by a Ximines, a Condé, a Bossuet, a Fenelon, a Paschal.—They would anathematize a religion adorned by every virtue, and every talent! But let them beware that they do not dismember the empire, for let them learn, ere it be too late, that the connection between the two countries cannot be maintained by Protestant monopoly, or by Catholic proscription, but by "the permanent interests, and permanent affection of the people, firmly cemented by a common interest." They call for the Veto! Would they grant emancipation, were this ceded? I am sure they would not—many of them have declared that they would not.—I have no doubt that as a measure of state, it would be injudicious to exercise this power, supposing it could be obtained.

The noble viscount, and the learned civilian, have alluded to the influence of the Catholic Hierarchy in Ireland over the body of the people. It had been observed by his lordship that this influence was stronger even than the law, or the government. There is no doubt that it forms the only connecting link between the government and the people, and is exerted most conscientiously for the advantage of both. Any arrangement, therefore, tending to shake the confidence of the people in their clergy, by inducing them to believe that they were not selected as at present merely for their clerical fitness, but from their subserviency to the government, would be fatal, for it would immediately stop that channel of information, as to the state of the people, which is now afforded by the Hierarchy. Besides, how is it possible, that the Protestants, who accuse the Catholics of being idolaters—of not keeping faith with heretics, of not being bound by the sacred obligation of oaths; how is it possible that a sect thus hostile, could be competent to select the bishops of that religion, which they have indelicately described as calculated only for knaves and fools. On the contrary, would it not be their duty, (if sincere in their opinion) to appoint persons the least likely to uphold the Catholic Church? nay rather calculated to undermine its foundation? and thus by a side wind, would the Protestants insidiously attempt to effect that now, which their ancestors had failed to accomplish by ages of persecution. But why ask for this Veto? Has there been any instances of an improper appointment of a bishop by the See of Rome, even in those times, when the pope was in direct hostility to this country and the cause of the pretender openly espoused—by him. In modern times when every illiberal accusation has been brought against the Catholics, and every disposition evinced to represent their tenets and conduct most dangerous to a Protestant government, has there been found any instance of an improper appointment? Have not the Hierarchy been at all times conspicuous for their fidelity to the government, and for their exertions to impress their flock with respect for the laws, and attachment to the state? nay, have they not within our memoreis been even accused of acting as partizans for the government against the people? But if this controuling power in the government as to the appointment of bishops, be deemed so necessary, that the emancipation of the Catholics (admitted by the highest authorities to be advisable) cannot with safety to the state be granted without it, why did you not arm yourselves with that power, which but a few years back might have been easily obtained from the pope? If this objection be urged in sincerity now, where was the political foresight then? You cannot be ignorant that such an arrangement can never originate from a Catholic flock. In the reign of Louis the 14th, who had some of the richest benefices in Europe to bestow, there were twenty seven French bishops* in possession of very considerable temporalities conferred upon them by the crown, but at the same time they were not enabled to fulfil any clerical functions, the pope not having conferred on them the spiritualities. Any arrangement likely to facilitate the attainment of the object of the petitioners, and such as would satisfy the government is most desirable, but they cannot consent to renounce their communion with the ancient chief of their church, and this they consider a point of faith, nor can the Pope's spiritual faculties, over the catholic clergy, be altered, or abridged, but by his consent. But this clamour for the Veto is but a stalking horse of modern date, a salvo for weak consciences, a new pretext for continuing persecution, the last retreat of the bigot, the hypocrite, and the monopolizer. The Catholic clergy positively deny any temporal power of the Pope in this realm, and this their declaration is corroborated by their conduct both in ancient and modern time, and by the answers of the universities already alluded to. It has been argued as if it were necessary to guard against a foreign influence in Ireland: none such exists. There may indeed be an Irish party for Ireland, which can be deprecated only by those who are not disposed to counsel wisely or fairly by that country. The chancellor of the exchequer has declared that the Catholics are not to be conciliated, as they cannot afford the security which he deems necessary for the protection of the church establishment, to which he proclaims them in hostility. Is it just, liberal, or even decent to bring this accusation against the Catholics, that nothing will satisfy them but the church property, when they disclaim in the most solemn manner, any such intention. The right hon. gent. has also to explain how far it was judicious in him, considering his high official situation, to give it as his opinion, that it was impossible to conciliate or attach to the state one fourth of the population of the empire.

From ministers who commenced their career by throwing the firebrand of persecution amongst the people, who have for ever tarnished the national character by violating the sacred rights of neutrals—who in the south by their weak and inefficient measures, have rendered unavailing the heroic valour of British islanders—who have lavished the blood and treasure of the empire, on the most rash, ill-advised, and disgraced expeditions—who while they admit, and as it were by stealth apologize for a gross insult and provocation, offered to the flag of an independent power, yet betray a dastardly reluctance to have recorded a full, public, and manly retractation. And thus untaught by the experience even of their own times, would once more rashly provoke the vengeance of the western world! From ministers who would insinuate disaffection in a great portion of his Majesty's subjects, by arrogating to themselves peculiar loyalty and attachment, at the very moment when they are committing the monarchy with the people, and the people with this House.—From ministers, whom I cannot but consider as in direct hostilities to the liberties and most valued privileges of the subject, I expect no redress of national grievances, but rather look for additional insult and aggression. To such men, all appeal is vain! But, I do look forward with sanguine hope, to the enlightened wisdom of the parliament for redress. The hour may not yet have arrived, far distant it cannot be, when the majority of both Houses must see the wisdom and necessity of complying with the prayer of the petitioners. But why procrastinate? Recollect you have not the same excuses for sanctioning this code, that your ancestors might have had for enacting it. You are not smarting from wounds received in rebellions wantonly provoked. You are not clothed in the spoils of the vanquished. You have not turned your arms against those whom it was your duty to protect. You are placed in the enviable and proud situation of having to heal those wounds which you did not inflict, to redress those wrongs of which you were not the authors: the atonement too is light. The only reparation sought at your hands is an equal participation in the blessings of the constitution. With what justice can you arraign the conduct of Buonaparté to the different states of the continent? It is true he has plundered and oppressed. Do the annals of the Eastern world contain no accusation against you? But I will not justify outrage by outrage; nor remind you that his aggressions were only against his enemies. How can you hope to obtain credit for the sincerity of your motives in your crusade against France in behalf of the oppressed nations of Europe while you are acting as tyrants at home? or with what consistency can you call upon the Irish to assist you in the cause of liberty, at the very moment that you deny them, as subjects, the enjoyment of its blessings?

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* At this moment there are several bishops, both in Italy and France, perhaps to the amount of between thirty and forty, who cannot perform their episcopal functions, notwithstanding their appointment were by Buonaparté, the pope having refused to grant them the bulls of spiritual jurisdiction. Cardinal Fesche, (uncle to the emperor and archbishop of Lyons) although two years and a half nominated to the archbishopric of Paris, has not been able to discharge the duties of that station. De Prades, bishop of Poitiers, and much in the confidence of Napoleon, has from the same cause not ventured to officiate as archbishop of Mechlin. Stronger proofs cannot be adduced to show that the spiritual power of the Catholic Hierarchy can be derived but from the supreme head of their church. In fact these bishops have acted precisely in the same manner now, as their predecessors in the 17th century in the reign of Louis the 14th. They only enjoy the revenues of their different sees, without presuming to perform their ecclesiastical duties as bishops.

Is it at the present formidable conjuncture when we have been most unsuccessful in our external objects, when we are hunted from all the courts of the neighbouring continent, and on the eve of being shut out from every port in Europe, is it at such a moment, and in such a state of formidable and still encreasing combination that we deem it advisable to perpetuate quarrel amongst ourselves, and to alienate the affections of one third of his Majesty's subjects. And all, to support, as it has been well described, that "unparalleled code of oppression which has been kept in force, not from a bigotted principle of religion, but from pride, arrogance, and a spirit of domination." I would solemnly exhort you to renounce your prejudices, and embrace your real interests, to consider the relative importance of Ireland in the scale of the empire, to reflect that one storm had already arisen in the west, which in its violence had nearly swept away all the greatness and glory of this once-happy island. That contest, too, was nursed in the cradle of despotism, fostered in the bosom of presumption, continued in the rage of obstinacy, and concluded in degradation, submission and defeat. The experiment is not to be repeated. Ireland once separated from your empire and you are undone. This is not a time to flatter or to lull you into a feeling of dangerous security! Have you learnt nothing from the desolation which surrounds you? Posterity will scarce believe that at a crisis awful as the present, discussions such as these should engage us!

Mr. *O'Hara* began by stating that his situation was such that it would have been impossible for him to go into a division on that question, had he not the opportunity of expressing those considerations which operated decisively upon his mind, and which he hoped would not be thought unreasonable by the House—that he might lose much, and could gain nothing by any part whatever he could take; but that he knew the sentiments of the great landed proprietors in his own county, and the subject was of such extreme consequence to both countries, that no private considerations ought to with-hold him from his parliamentary duty. He then expressed his regret at differing from so many of his friends near him, and particularly from his right hon. friend who had introduced the petition, with whose opinions he had generally coincided for so very many years, particularly in all those great measures brought forward by him in the parliament of Ireland, from time to time, tracing and treading in the steps of the English constitution, till in the year 1782 he had formed a constitution for his own country; which, as he ever should think, was the best suited, that could be imagined, to the internal happiness of Ireland, and best calculated to render her a firm and powerful support to Great Britain; that all those great constitutional points obtained by Ireland from 1778 to 1782, mentioned in his very able speech, were principally of his own acquirement; and that if he were now advocating the cause of the Roman Catholics in his own country, and amidst the applauses he used to receive in a former senate, their cause could hardly fail. But he lamented that those times had really passed away like a dream;—that that constitution, and the incalculable prosperity that accompanied it, were now forgotten. But, as his hon. friend (Mr. Hutchinson) had pressed the claims of the Roman Catholics upon the ministers of that time, he regretted much that the leaders of the Roman Catholics had not come forward then and assisted those who used their utmost efforts to preserve it. He said surely they did not prefer any little points of their own to the welfare of their country, if they did he pitied them indeed—he pitied them that they had lost the objects of their wishes, perhaps for ever—he pitied them extremely if they had to regret and attribute to themselves their own disappointment, and the loss of the Irish constitution; a petition from them at that time, would have saved their country. He then paid some compliments to the brilliancy of Mr. Grattan's speech—said the instances in which he differed from him were broad and plain; that his business would be not to question the illustrations, or sully the innumerable little gems that lighted up that argument, but to state the laws as they affected Roman Catholics in such a manner, that the House might the more readily decide how far it could meet the prayer of the petition. But though he differed materially from his right hon. friend, he requested he might not be thought inimical to the Roman Catholics—that he had ever been their friend, so far as parliament had hitherto relieved them, and was ready to be so still, so far as the principles of the constitution would admit. He then stated to the House their present situation, as contrasted with what it had been before the late repeals—wished indeed, that the act of 1793 had not made so many reservations of seats on the Bench, in the three courts of law, and the various other offices of rank and emolument—said he wished to share with the Roman Catholics all official and ministerial power, except that the office of Chancellor seemed particularly attached to the reformed church—said the oath in the act of 1793 ought to be simplified, as being too long and too obscure for ordinary comprehension.—Did not see why that act might not be amended hereafter in these respects. For though that act was intended as a boundary line, a *ne plus ultra*, never to be passed; yet if the spirit and purport of the act were retained, he did not see why the reservations might not be done away, and the oath made more intelligible, by an act to amend the former. But he then appealed to the House that such an alteration for the present was absolutely impracticable—every one knew the difficulties that were in the way—besides, if this House had the power, yet it was not prepared to say what ought to be given; nor did the Roman Catholics appear agreed what they ought to accept of—much less had it been settled what arrangements ought to be made. No good result therefore could be expected from the going into a Committee, whatever mischief it might produce.

So much for the participation of offices, honours, and ministerial power. He now begged leave to make some observations on that part of the petition which extended to legislative power, and here he particularly differed from his right hon. friend. His right hon. friend surely could not be right, when he considered religion merely as a concern between man and his Creator, and thought that if we were all Christians, religion had nothing to do with the constitution; and that according to natural rights and original principles, and the circumstances of these two countries, the Houses of parliament ought to be partly Protestant and partly Catholic. This (he observed) was not the constitution of England, and no people possessed of such a constitution, would go back with his right hon. friend to natural rights and original principles. He then thought him wrong in considering the oaths taken by members, as penalties on the Catholics of Ireland, and in confounding the acts which imposed them with penal statutes. He himself rather considered those oaths as tests ascertaining the principles of an elected member, before he was allowed to take his seat or vote. Did the right hon. gentleman consider the oath of allegiance as a penalty? If so, it was only a penalty upon those who had no allegiance, and did not apply to the Irish Catholic. Did he consider the qualification oath as a penalty? If so, it was a penalty upon every man who had not a freehold property sufficient for a seat in Parliament. For his own part he found himself bound to those constitutional principles to which he had pledged himself as often as he had taken his seat in parliament. For what member could doubt that, when he took the oaths at that table, he pledged himself to a Protestant constitution? or that those oaths were considered by the parliaments which enacted them, as the best means of preserving and handing down our constitution to posterity unimpaired? Under that solemn obligation he called upon members seriously to consider what was then required of them by the petition. Instead of continuing to be themselves the guardians of that constitution which they were bound to protect, they were required to commit that sacred duty to persons of a different description, by admitting them to seats in that House, men, however excellent in themselves, yet of those religious principles against which our ancestors had protested at the Reformation; and which principles those who managed the Revolution of 1788, no inconsiderable men, and the succeeding parliaments, took every possible means to guard against. For upon this part of the subject the question was, whether those against whose religious persuasions we had protested, could make a constituent part of our Protestant legislature. One would think that to state the question fairly, which he hoped he did, was sufficient to shew how impossible it was for parliament, under its present obligations, to accede to that part of the prayer of the petition. He had no ill-will to any one because he differed from him in religious opinions—he did not complain of the Roman Catholics for wishing to be members of both Houses—he did not condemn them if they desired to partake of all the rights of the constitution, without religious distinctions; but how it were possible to preserve a Protestant constitution without religious distinctions, was more than he could comprehend. But he said, an argument had been uniformly urged by the advocates for a committee, namely, that by granting the prayer of the petition, you would unite a divided people; you would add four-fifths to the strength of the country. But that, even as a supporter of the petition, he should be sorry to have used that argument. For the penal laws had been repealed in consequence of their good conduct, and their good conduct had always induced him to be their friend. But, if in Ireland they were now a divided people, the prayer of the petition could not be granted with safety.

There had been a speech indeed by an hon. member, under the gallery, suggesting the danger that might arise from them in case of invasion, and describing them in such a manner, as he hoped did not apply to the Roman Catholics generally, or to any county in Ireland, except that of the hon. member. That for his own part he thought very differently of the Roman Catholics,—that to the great mass of the Roman Catholics, the elective franchise had been of the greatest consequence, it had been the means of preserving them in the possession of their farms, and he was happy to think it had been of the greatest service to them. The Roman Catholics, as a body, are now growing in wealth, independence and consideration, in consequence of the late acts in their favour—adopt their interests and encrease their comforts. While suffered to live in peace and protected by the laws, they will ever be, as indeed they are, good and faithful subjects, and ready to defend their country. Let your care therefore be directed to the mass of the Roman Catholics, and to their happiness, and to trust to their good sense for patriotism and allegiance.

But (he said) the question seems hitherto to have been confined to Ireland, how far Ireland would be benefited or injured by such a measure. He wished to know the sentiments of Great Britain. The English members, perhaps, say the British or the united parliament never yet has interfered upon this particular question, and ask themselves, with respect to legislative powers, "shall we now or ever interfere—why should the peace and settled principles of this country be disturbed? why should its religious establishments be alarmed? The acts so much complained of by the Roman Catholics of Ireland were acts of the Irish parliament—the statutes by which they were repealed were Irish statutes—they were internal regulations for that country—Great Britain was not affected by them. But the prayer of the present petition goes to the heart of the legislature—the very structure of the Houses of Parliament is at stake." How far then (he said) the people of this country, who under their present constitution, the admiration of all other states, have enjoyed such blessings, peace at home, and triumphs abroad, will admit of such alteration in the representation itself, I refer to you.—How long any minister who should propose such an alteration, or lend it his countenance, could hold his situation in this country, I refer to you. For you know and feel that the constitution is Protestant, not only theoretically, but practically and substantially; that the church is intimately connected and interwoven with the legislature; that the church, as such, sends her members to the House of Lords; that the beneficed parochial clergy, as such, vote for members of the House of Commons; that the monarch himself, before the crown is placed upon his head, pledges himself to protect the rights of the established church. Which, as Blackstone calls it, "is an original contract between the King and his people." So far as attacks have ever succeeded against the church, they have equally affected the constitution; that the Roman Catholics of this country in their attempts against the church, had twice nearly overturned the constitution; that the dissenters and republicans had once overturned both; and that before the Hanover succession, the only periods of religious peace had been, when uniformity was enforced; though during the reigns of the present royal family, the constitution had been so strong as to bear with toleration almost unbounded; that it therefore seemed to him to have been for the sake of peace, that one religion, and one only, should be established. How then could he be persuaded, that to introduce another religion into competition with the established church, was the way to reconcile parties? He said he spoke no new language in saying the church and constitution must stand or fall together; that he was supported in this by one of the greatest men this country had ever produced: and should conclude with his words. "The constitution and church establishments of England were so far beyond the suggestion of human contrivance, that we ought to thank God for both: treat them with reverence, and never separate them."

The Marquis of *Tavistock*.—In offering myself to your notice, I rise, Sir, under a considerable degree of difficulty and embarrassment. Trusting, however, to the indulgence of the House, for having ventured to obtrude myself upon its attention when so many gentlemen more competent than myself to throw light on the subject, are naturally anxious to deliver their sentiments; but from the importance of the interesting question now before the House, I cannot help feeling some anxiety to state shortly the reasons which induce me to support the proposition of the right hon. gent. for going into a Committee, to enquire what relief may be just or necessary, wise or politic, to concede to the claims of the Catholics of Ireland. In the course of the debate I have heard no argument that appears to me to have any weight against the proposition for going into a committee; for those gentlemen who have opposed this question, have contented themselves wholly with resisting altogether the Catholic claims. Now, let us go into the committee, and enquire fairly how far it is practicable to comply with those claims, or whether it may be wiser to reject them after a full and fair statement of the case on both sides.—Had this been done in the first instance, you would have avoided all this protracted and useless discussion. You would have heard what the Catholics had to offer on their parts; you might have stated what you require on yours: and whatever the result might be of your inquiry, even though it should be to refuse the claims, the Catholics would not feel they were indignantly thrust from your bar without a fair, a candid, and dispassionate hearing: they would, on the contrary, feel that you had given to their case a full, impartial, and deliberate consideration. They would be satisfied that your decision was the result of a candid and dispassionate investigation, and you would not send away from your bar four millions of loyal people disgusted at the rejection of their petition, without hearing what they had to propose, or stating what you required of them. They would say, "You have attended to our petition; you have patiently and impartially examined our claims: you are of opinion that we have no case ; at least you have heard us, and we bow to your decision." And I appeal to the good sense and moderation of the House, whether this would not be a wiser course to pursue, than to dismiss from your bar those claims unexamined, and thereby excite the discontents of so many millions of your fellow subjects. I really think, Sir, it would be a more dignified conduct on your part, to approach the Catholics, and say to them, "We are ready to concede what you wish, provided you are willing to concede what we ask of you, as a reasonable security to the stability of our Established Church." With respect to the Veto, about which so much has been said, I am unwilling to give any opinion ; but I own it appears to me a novel proposition, calculated rather to embarrass the question, and throw new difficulties in the way of its discussion, than to answer any good purpose ; for I question much whether it can do any service to the Protestant government, or produce any improvement in the appointment of the Catholic bishops ; and I much question also whether, in all events, it is a point to which the Catholics can accede, consistently with their religious scruples. Be that as it may, I am for conciliating the Catholics, but not without providing for the necessary guards and securities of the Protestant establishment. Both should be regulated at the same moment; mutual concession will produce mutual conciliation : the Catholics, I am sure, will cheerfully meet you half way ; and if the discipline of their church forbids them to consent to the Veto, sure I am that they will readily acquiesce in such measures as may be devised by the united wisdom of parliament, to guard against the nomination or controul over their prelacy by any hostile or foreign power. From the experience of the last century, and the high and honourable testimony borne in the course of this discussion to their exemplary characters, you can have no danger to apprehend from the prelacy : but strange as it may seem, the opposers of this question appear to found their chief apprehensions of danger upon that reverend class of men ; for no man has presumed to call into question the loyalty of the Catholic laity,—to impeach the fealty of the Catholic gentry,—or of any class of the Catholic people,—which they have testified by their valour and sealed with their blood, in your cause, in every quarter of the globe, and which they are agai ready to testify in defence of these countries,—against the hostile aggressions o the common foe ; and you have it in you power to redouble their ardour in you cause, and fortify your securities against th dangers that surround and threaten you by conciliating their affections and unitin them with you by equal interests, in defence of those constitutional blessings i which they claim a common share as thei birth-right,—and which without their assistance you cannot effectually defend Have you any thing to fear from the Catholics of England ? Has any man ventured to call their loyalty into question ? Or is there a gentleman who has spoke of their character, that has not borne the most honourable testimony to their unshaken loyalty, their unimpeached morals and their social virtues ? But even those considerations out of the question, the comparative paucity of their numbers would leave you little ground for apprehension. But look to Ireland, where the Catholic population out-numbers the Protestant as four to one. Does the government of that country express any fears on this account ? Is the Protestant establishment there in any danger, according to the sentiments of the Protestant inhabitants ? on the contrary, have you not seen the change which has taken place in the Protestant mind of that country ? Is it now the desire of the Protestant inhabitants of Ireland, that their Catholic neighbours and fellow-subjects should any longer remain under disabilities on account of their religious tenets ? On the contrary I will venture to assert, because I have it from the best information, and I am borne out by the most respectable testimony in the course of this debate, that if the Protestants of Ireland were to be polled upon this question, nine-tenths of them would vote in favour of the present claims of their Catholic countrymen. And indeed, can it be supposed for a moment, that the Catholics, after a century of proscription, now seek a sanctuary under the constitution, only for the purpose of subverting it ? Or that they will be less loyal under a system of mildness, of lenity, of protection, of indulgence, of liberty,—than they were under one of penalty, of persecution, of proscription in their native land ? What have you witnessed in the character of the Catholic, that can lead you to believe he is less fond of the liberty you prize, less warm in his devotion to the constitution you venerate, than any amongst you? Born and educated in the same land, protected under the same government, nurtured in the same political ideas with yourselves, whence can you justify (certainly not from his conduct) the monstrous conclusion, that he is that venomous reptile, who would sting to death the bosom that had cheered him to life?

As to the objections that have been urged on the alledged inexpediency of the present time, it is in my mind at once the most futile and the most dangerous, and of all others the most fatal to measures of wholesome reform: it shuts the door against political truth, and would be equally a bar against the introduction of any improvement in the state of nations, moral, political, or scientific. It is an argument always dangerous in its tendency, and indefinite in its extent. One set of gentlemen say, "The measure of conciliation might be a good thing of itself,—but the time is unfit for it." Another set of gentlemen say, "That however feasible it may be in the abstract, it is a dangerous innovation upon the principles laid down by the wisdom of our ancestors, which should be our guide in a matter of such serious importance?"—as if any one set of men, in any one era, legislating upon the best judgment they could form of the future by the present and the past, were to arrogate more wisdom than all subsequent generations, and this too upon subjects, where the subsequent generation must be infinitely more competent to judge, having all the advantages of practical experience upon the subject before it. Such an argument is directly subversive of all the great principles on which human wisdom is founded, and might be equally well applied against the revolution, the constitution, the reformation, and the introduction of Christianity itself, which were all innovations upon the systems that preceded them. From such reasoning as this, therefore, it would follow that all improvements are to be rejected; and when such arguments are allowed any weight, it must shew to the world what slender hopes there are for our amendment, or even of remaining as we are, and exhibit us in the ridiculous view of being determined to reject all lessons of experience,—to shut our eyes against the light of truth hourly reflected upon us by the experience of surrounding nations,—to cling to our errors, and risk all their consequences. I wish gentlemen to bear in mind the wise observation of my lord Bacon; "Time is the greatest innovator; if time shall in its course alter things for the worse, and council and wisdom shall not alter them for the better, what shall be the end?"—And what shall be the end, if year after year, we persist in the same obstinate refusal to listen to the complaints and supplications of four millions of our fellow-subjects, entitled by their birth-rights to the same rights as ourselves, and which without their zealous co-operation we shall be unable to defend or retain?

I could wish to have said a few words on the subject of the pledge given to the Catholics of Ireland, to secure their support to the measure of Union. But that has been argued already, and so ably, by hon. gentlemen near me, as to render any thing from me upon the subject quite unnecessary. I cannot, however, agree with the noble lord opposite to me (Castlereagh) as to the effect produced by the frequent agitations of this question. I think the speeches of those able and eloquent advocates who have supported the Catholic cause must have made a forcible impression; and I am convinced from general observation, that the more it is discussed, the more clearly it is understood, the more are ancient prejudices dissipated, the more are its friends increased, and the number of its disinterested opponents diminished. But is it matter of wonder if, after what the Catholics of Ireland were taught to expect at the Union,—if, after having repeatedly since urged their petitions,—if after the frequent discussions their claims have undergone from that time to this, yet without obtaining any thing more than they got from the Irish parliament, in which they were forbidden to hope any longer, that they should feel impatient and irritable from successive disappointment to their most anxious hopes? Now, Sir, peace with the people of Ireland is that which is the most anxiously to be desired, because most pressingly demanded by our situation, and most essential to our common safety. I do most earnestly deprecate any conduct towards the Catholic people of Ireland, that may place them in a state of disgust and hostility towards us. I deplore the animosities, the heart-burnings, the divisions which the rejection of this committee will inevitably excite; and that must necessarily follow from our suffering the last remnant of those penal laws that continue to disgrace our statute books, to oppress and degrade any longer our Catholic fellow-subjects. If any man still harbours a sentiment of distrust to the fidelity of the Catholics; if any man doubts their loyalty, let him look to the history of their conduct through a century of the most galling oppressions, while that loyalty was goaded by a thousand insulting motives, and stimulated by countless provocations, which might have roused the most insensible to resistance and rebellion:—but to which they submitted with unexampled fortitude and patience:—virtues which, as evinced by them, have been sometimes urged as arguments against their emancipation; because proofs of that passive obedience and non-resistance charged on their religion as a tenet which rendered its professors unfit for liberty.—Does any man doubt their attachment to the British empire, or their zeal and valour in proof of that attachment? I refer him to the annals of British triumph in every quarter of the globe for the last half century. I refer him to our scenes of military operation during the present war in Asia, in Spanish America, in Portugal, in Spain, in Holland, in Germany, in the Mediterranean;—and I refer him to the history of your naval victories in every part of the world.—There he will find that some of the proudest trophies that adorn our standards or blazon the pages of our history, were won by Irish Catholics. And if he will look at home, and ask who are amongst the bravest defenders of our security,—that recruit our armies for abroad,—that crowd the ranks of the Irish militia at home,—and that contribute so numerously to manning of our fleets?—He will find the same answer,—Irish Catholics. These are the men, whose valour can afford us a strong arm in the hour of adversity and danger:—and against such men we perpetuate a system of unjust and proscriptive laws, and refuse even to enquire into the nature of their petitions, or how far it is practicable on any ground to redress the grievances of which they complain!—Redress those grievances,—reciprocate with your Catholic fellow-subjects the sentiments of mutual confidence and affection,—which alone can render you strong, and impregnable. If the Catholics of Ireland have adhered to you with fidelity and valour under so many causes of disgust and disaffection;—how entirely you can make them your own by kindness, by redress, and conciliation! How much more effectually can you avail yourselves of their energies, if you grant their petition. Ireland would then become a new sinew of strength in the body of the empire. She will be added, in all the vigour of her zeal and her power, to your national resources. You would no longer have to consider her as a conquered country; you would no longer have to complain, that Ireland is the most vulnerable part of the British empire. I will not trespass longer on the time and patience of the House. I have endeavoured to argue shortly the two broad features of the case before us, viz. the justice and the policy of the measure, and have endeavoured to shew my reasons for thinking it is both wise and expedient to consult the one, and to acknowledge the other. In God's name, then, let me conjure the House to concede this question, not as a matter of triumph to any party, but of safety to all. I can assure the House that I am not actuated on this occasion by any feeling of hostility towards his Majesty's ministers, but I do bring with me feelings of affection for the Catholics of Ireland (arising from a sense of the justice of their claims) and of anxiety for the welfare of my country; and I therefore implore the House to go into the committee, and at least let the claims of four millions of his Majesty's loyal subjects be fairly, temperately, and impartially discussed. Conciliation to the Catholics would be strength to you, and the affection of the people your surest defence.

Sir *T. Turton.* Sir, I shall detain the House by a very few words. I can assure the House there is no gentleman who has spoken in favour of the Catholic claims more anxious to conciliate than I am, and if I thought what is now required could be safely granted, I would be as zealous for it as the warmest friend of Ireland;—and not only for the complete emancipation of the Catholics, but of every sect in the country debarred of constitutional privileges on account of religious opinions: no man is more anxious than myself to keep power from the hands of bigotry and intolerance. But then the difficulties which have been stated against the question I am not competent easily to surmount. It has been said that the Veto proposed for the adoption of the Catholics as a preliminary to any entertainment of their claims, is a mere stalking-horse to embarrass the question; if so, I shall be the last to uphold it. But, Sir, I find it comes, in the first instance, in the shape of a proposition from the clergy of the church of Rome themselves:—and if they now retract, what security have we that they will accede to any proposition made by us, or any pledge offered for them by their friends? This, Sir, is my objection to go into a Committee; and my opinion is, that there never was a time more ill chosen for carrying forward this question. For let me ask, if we should go into this committee, would it not be with an opinion that the Veto was indispensably necessary; and have we any assurance whatever that this Veto would be conceded? What then would be the result of your leaving that chair, Sir, to let us resolve into the committee, why we should have the intolerance of the Protestant conflicting with the obstinacy of the Catholic:—and after discussing, as we have already done for successive days and nights, we should come out of the committee worse and more exasperated than we had gone into it. If any adequate and satisfactory security can be given for the liberties of this country under this concession, no man will be more ready to vote for full emancipation than myself, because no man more abhors every thing in the shape of intolerance: but until we have some authentic assurance that such security will be given, and until we have some explanation as to the nature of that security, I see no good purpose on earth, that can be answered by going into the committee, and therefore cannot vote for it.

Colonel *Talbot*. Sir, unwilling as I am to trespass upon the patience of the House, yet I feel it my duty not to give a silent vote upon a question which I deem to be of the highest importance to the empire at large. This subject has already been so fully and ably discussed by my right hon. friend who opened this debate on a former night, that it would be presumption in me to attempt to throw any new light upon it, particularly after the manner in which it has already been illustrated by the several hon. members who have delivered their sentiments on this side of the House, with all of whom I perfectly coincide in opinion, except the hon. member below me, the member for Sligo. To say nothing of the illiberality of withholding the benefit of the constitution from so large a proportion of the population of Ireland, as your petitioners represent, in a political point of view, it may be of the most material consequence that the prayer of this Petition should be immediately attended to in the fullest extent; and if ever there existed a moment in which a doubt could have been entertained on the policy of this measure, that doubt must now vanish from the minds of all thinking men, when the whole continent of Europe, if not already united against you, is at least under the controul of the most implacable and formidable enemy this country ever had to contend with. It is obvious from the character of Buonaparté, whose gigantic projects can only be realized by the subjugation of this country, that he will turn the vast resources which he possesses, and which may be said to be almost unemployed, against the most accessible and vulnerable part of the empire. I need hardly say I mean Ireland. Even if it should be contended that the superiority of our marine can, for a long time, disable a power who has at his command an extent of coast from St. Petersburgh to Constantinople from becoming a formidable naval one; still, Sir, from the disastrous turn of affairs in Spain, which has placed that unfortunate country at the foot of Buonaparté, is it to be expected he will long delay at least an attempt to invade Ireland from that quarter; and if ever such an attempt could wear a prospect of success, it must do so from its being made from Spain, from whence one leading wind will convey the enemy to the Irish coast, whilst our fleets might be detained in harbour by the very wind which enabled him to put to sea. It is a singular fact, that there has long existed among the lower order of Irish a traditional belief, that if ever that country can be subdued it will be by a force departing from the shores of Spain. With respect to the latter country, it may not be too strong an opinion to hazard, that had the object of the present petition been granted two years ago, the affairs of the peninsula might now wear a very different aspect from what they unfortunately do at present. I have not the smallest doubt in my mind that by those means you might have increased your army to any amount you pleased, and it may be no wild speculation to suppose, that 100,000 Irishmen, professing the same religion, and believed by the Spaniards themselves to be descended from the same original stock, would be received with greater cordiality and confidence, than an army supposed to consist of avowed enemies to the Catholic religion—an idea which must have made considerable impression on their minds. The few indulgences which have been shewn to our fellow subjects professing that religion, could Buonaparté have dictated a line of conduct more likely than any other to hasten the accomplishment of his views, it would be that which has been pursued by his Majesty's advisers with respect to Ireland. To those who would resist the claim of four millions of brave and loyal subjects to equal participation in civil rights, thereby depriving them of the greatest inducement to unite against the common enemy, the ground of an imaginary danger to the established church, is almost too contemptible and absurd to notice. There are others, who professing (with the noble lord, and the right hon. gent., his late colleague) to acknowledge the equity of their claims, and the policy of eventually acceding to it, would have you believe the present moment is not a time when such a concession would properly be made; to those, Sir, I can only say, the sooner a measure, the expediency of which is not denied, is adopted, the better. Every day it is delayed is a day lost. I shall, therefore, Sir, give my vote for going into a committee.

Mr. *Bernard.*—Sir, as one of the representatives for Ireland, I cannot give the vote which I intend upon this question, without shortly declaring the principles by which I am actuated. Although I feel as anxious as any member of this House to conciliate the affections of my Catholic countrymen, by ceding to their wishes every thing compatible with the actual security of a Protestant constitution, and although no man more earnestly desires to extend to them what they now ask, under proper guards, yet, when I know the great influence which the Catholic clergy, and particularly the hierarchy, hold over the minds and conduct of their flocks; when I feel the vital necessity that exists now more than ever, for guarding that influence from foreign intrigue, and when I consider the late resolutions of the general Catholic committee in Ireland, refusing to give to the government any controul whatever over the appointment of the Catholic bishops, I for one can never consent to give the Catholics a share in legislation or power, so long as they adhere to that principle. But even if we were to grant what the Catholics now ask, by a total repeal of the remaining restrictions over them, with a view to their perfect conciliation and contentment, I do not think we should be at all successful. In fact, Sir, I have no hopes of satisfying the great body of the Catholics, by any concession we can make on the present question, consistently with the security, and indeed the existence of a Protestant establishment. That which they now claim is calculated only to gratify the ambition of the comparative few—and the want of which cannot be felt by the great majority, with whom, therefore, that want can be no grievance. There are other grounds of discontent infinitely more prominent in the minds of the Catholic population of Ireland, that are at the same time so interwoven with the very existence of a Protestant establishment, which, unless you are prepared either wholly to surrender or most materially alter, you do nothing to the purpose of general conciliation: I mean the system of tythes, equally felt by other sects. But on all other subjects the Catholics of Ireland at this moment enjoy every privilege and protection necessary to their freedom, prosperity and happiness, as well as every other sect of dissenters in the country. They have the free exercise of their religion. They have a college endowed at the public expence, for the education of their clergy: all the sources of learning, of science, of commercial and professional avocation, and wealth, are open to them, as well as to the rest of their fellow-subjects, with the exception only of the legislature and of those high offices in the power of the state, which is is impossible for you to transfer to them, so long as they acknowledge a foreign influence over their minds and principles. And in as much as the Catholics under this system have acquired considerable property, and as their strength must increase with the strength of their country, it is for the interest of the Catholic as well as of the Protestant that we should look with a jealous and vigilant eye towards every chance of foreign influence over so numerous a portion of the population of the country; more especially at this moment, and in the present situation of Europe. For there is no man who knows the influence of the Pope over the Catholic mind of Ireland, and reflects that the present Pope is under the immediate power of Buonaparté, nay, that he holds his office and his very existence at the discretion and mercy of that man, who looks to the subversion of this empire as to the last achievement necessary to crown his ambition, and confirm his domination over the world;—I say, Sir, it is impossible for any man who reflects on these things, and knows the avowed designs of that conqueror upon Ireland, not to look with alarm at the means now in his power of influencing in his favour four millions of his Majesty's Catholic subjects. It is for these reasons, Sir, that I cannot consent to give political power or influence to the Catholics, by yielding this measure, unless his Majesty is invested with as complete a controul over the appointment of the Catholic hierarchy of Ireland, as he holds over every other sect of dissenters, and totally independent of all foreign influence whatever. I am far from thinking, Sir, that there are not very many persons amongst the Catholics of Ireland who are men of the firmest loyalty and most exalted truth, to whom it is desirable to concede every privilege of the constitution, consistent with our security, and I know that they are as much interested in that security as we can be: but so long as the Catholics acknowledge a foreign influence over their religious discipline, and refuse to his Majesty any controul or interference whatever in the appointment of those ecclesiastical superiors who hold so absolute a sway over their minds and motives, I think it impossible for us to concede this measure. It is therefore with themselves to remove the impediment. Beside, Sir, as I before observed, with a view to the perfect conciliation and contentment of the great body of Catholics, there are other points still more necessary than this to concede: and more especially a modification of tythes, which forms by much the most general ground of discontent in that country: and convinced I am that you would do infinitely more towards conciliation and tranquillity in Ireland by an effective regulation on this head, than by any thing you could do to gratify the ambition of the higher orders.

Mr. *Parnell.*—At this protracted period of the debate, and late hour of the night, I shall not enter so much into detail on this question as I should have done if I had sooner been called upon by the chair. [Mr. Parnell had risen repeatedly to address the House in the course of this and the last night's debate.] I shall confine myself principally to the new obstacle which has arisen in the way of carrying the object of the petitioners. In respect to the Veto, the necessity of it rests altogether upon the degree of danger that is to be apprehended from foreign influence; for my part, I cannot see this danger in the light that many do who have spoken on this subject. I cannot agree with those who conceive it possible for the Pope in any way to subvert our establishments. History proves to us, that long before the period of the Revolution, all the political influence of the Pope, with respect to this country, had ceased. His power afterwards became absolutely insignificant; and during the whole of the question between the Houses of Stuart and Brunswick, it was notorious that the Pope could not stir one Roman Catholic in Ireland. I therefore feel no hesitation in saying that I cannot consent to the doctrine laid down by the right hon. mover of the question before us, that an arrangement to exclude foreign influence is absolutely necessary, but on the contrary, I am prepared to vote the prayer of the petition, without connecting with the concession any qualification*. I feel the more ready to do so,

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* Had it not been for the lateness of the hour, Mr. Parnell would have read the following opinion of Mr. Fox respecting the influence of the Pope.——

"The Pretender being gone, and all other questions of radical difficulty removed as to him, we now come to another person—the Pope. I wish to know whether, during the last 200 years, the Pope has been a person to be feared? If he has, it can only have been in one way, by his oppression of the Catholics. Long before the period of the Revolution, all the political influence of the Pope, with respect to this country, had ceased. His power became afterwards absolutely insignificant, and during the whole of the question between the Houses of Stuart and Brunswick, it was notorious that the Pope could not stir one Roman Catholic in Ireland. But it is stated that the persons principally concerned in the Rebellion of 1798, were Roman Catholics. I have no doubt that the Catholics had their share in that Rebellion, but were they instigated by the Pope? What! by the Pope while he was in a state of servitude and humiliation? Did the Pope, while he looked to this country as almost his only support, wish to overturn our government, and prevail on the Irish Catholics to follow Messrs. O'Connor, Emmet, and M'Nevin? This fear of the influence of the Pope, when he has no power to do us harm, and when

when I consider the nature of the securities that we already possess for the preservation of our establishments. Besides those that have been mentioned in the resolutions of the bishops, and by members who have preceded me in this debate, I desire the House will well consider the nature of the security we should obtain by doing that which we are required to do. What effect would the act of imparting the constitution to our Catholic countrymen produce, in securing their support in the preservation of that constitution? Could we adopt any measure that would be more effectual in attaining the best possible security for the church and state? How could we give the Catholics a stronger motive to protect our constitution, than by giving them a full participation in the rights of it? I have always considered the great beauty of the constitution to consist in this, that it provided by its own excellencies and the advantage it confers for its preservation and security. If this be true, what occasion is there for seeking any new security for it by coupling with the grant of it, any stipulation concerning the Catholic prelacy? Of this power of the constitution to allay discontent, and to acquire for its support, the history of this country affords some striking examples. Wales for many years after its reduction by Edward 1, was ruled by a form of government, something between hostility and government. The people were sometimes composed, never pacified. Wales was in perpetual disorder, and kept the frontier of England in perpetual alarm. To curb the rebellious spirit of the Welsh, fifteen statutes of penal regulation were passed, but with no good effect, till at length the eyes of your ancestors, as a great statesman has said, were opened to the ill-husbanding of injustice, and a complete representation in parliament was

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he cannot do us good, even though he wish it, is perfectly absurd. It is an alarm which can be accounted for on no rational principle. Has the recollection of the proconsuls, sent by the Cæsars to govern this country, left such an impression upon us, as to make us dread every thing that comes from Rome? But it is said Buonaparté has obtained an influence over the Pope, the Pope governs the Irish priests, and thus Buonaparté will be able to attach to him the Catholics of Ireland.—Without canvassing the question of the inclination of the Pope to serve the views of Buonaparté, I shall admit that the French government will willingly employ his influence, so far as they can obtain it. That the great enemy of this country would be very willing to make use of such an engine, to serve his purposes in Ireland, I have no doubt. But how will he use his influence? If you will repeal these laws, you will have nothing to fear from that quarter; but if on the contrary, you persevere in your restrictions, the way in which the influence so much dreaded may be exercised, can only be this: the Irish Catholics will be told, "An equal participation of rights was held out to you, "but instead of granting your just claims, "instead of affording you the relief and "protection you were promised, you are "still stigmatized as outcasts. You have, "therefore, now only to look to a Catholic "emperor for assistance, and through him "you may expect the emancipation which "has been denied you." This is the language which may be used, if you are determined to persist in your present system: but in the other alternative, what influence can the Pope have? Suppose he were to direct the priests to take care that none but Roman Catholic members were chosen for Ireland; and suppose this influence were so far to succeed as to bring a considerable proportion of Roman Catholics into this House among the representatives from Ireland, is it likely that Buonaparté would find many friends among these Roman Catholic members? If there were eighty members Roman Catholics, it would be an extravagant supposition, indeed, to say that even three of them would be so dead to all sense of honour and duty, so blind to the interests and happiness of their country, as to become the instruments of Buonaparté. Of the influence to be used in this way by the Pope, surely no reasonable person can entertain any serious apprehension. Is it possible to look forward to any future circumstances under which that influence can become dangerous? Great men, it is said, have long views, but some views are so long that my sight, I must confess, cannot reach them. It has been said of our system of government, *Esto perpetua*; but I should desire no better security for the power and the constitution of this country lasting for ever, than that they should continue until either a Pope or a Buonaparté could obtain a Popish majority in this House."—Catholic Debate, 1805.

conferred upon them by Henry 8.—From this moment the tumult subsided, and it has been eloquently described—"peace, order and civilization, followed in the train of liberty: when the day-star of the British constitution had arisen in their hearts, all was harmony within and without." So would it be in respect to Ireland, if a complete representation were bestowed upon the Catholics; if this day-star of the constitution were suffered to rise in their hearts, all would then be peace, order and civilization, and harmony would every where prevail. The cases of Chester and Durham furnish fresh instances of the power of the constitution in attaching those who enjoy it to the zealous support of it. If then the doctrine contained in these examples avail any thing, why not apply it with respect to Ireland? If animosities of the most violent nature and of long continuance were converted into the peaceable connection that has subsisted for centuries between England and these dependencies, why should not a similar way of governing Ireland be attended with similar advantages? Why should not the hostility which now exists be converted into a union of mutual amity and affection equally profitable and beneficial to both countries? And with such examples, why should we not depend upon the power of the constitution to secure itself, instead of suffering ourselves to be led by an imaginary danger to desire the problematical protection the Veto would afford us? What the noble viscount (Castlereagh) said in the last night's debate in respect to the connection between the Irish Catholic prelacy and the Pope at distant periods corroborates the truth of the doctrine which I have endeavoured to maintain. He has said that when all the penal laws were in force this connection was more intimate than it has of late been since the partial repeal of those laws. But no other satisfactory reason can be given for this alteration, except, that in proportion as you have suffered the constitution to be enjoyed by the Catholics, they have acted upon feelings and principles more consistent with the principles of that constitution, and with views more of a domestic, and less of a foreign description. As to what the noble viscount said of Ireland being the only Catholic country in which the government has never interfered with the power of the Pope, the same doctrine will shew why it is not necessary in Ireland, whilst such an interference might have been essential in other countries. The governments of those countries to which the noble viscount has alluded were despotic, and consequently weak. No operating principle existed within them to interest the people of them to support their government. Every foreign influence must, therefore, necessarily have been highly dangerous, and for this reason the rulers of those countries insisted upon and obtained a controul over that influence. But the different character of our government renders the example of these countries wholly inapplicable to our situation. We have a form of government which provides for its own security; we fear no attack upon it by those who live under it; foreign influence could never prevail on a people that fully enjoy the British constitution to conspire against it; and therefore, no necessity exists on our part, similar to that which did exist in those countries, to controul the influence of the Pope. With respect to the Veto, this great advantage has resulted from the Petition now before us, that a vast deal of misrepresentation and misunderstanding has been done away. And it now turns out, that those who have desired it, have not sought for any such measure as that which they were supposed to seek. It has been distinctly avowed by the noble viscount, in explaining the resolutions of 1799, that the government of that day did not wish to obtain the patronage of the Catholic prelacy; he has said the government would have been most unwilling to charge itself with the power of exercising such a patronage, and that such a patronage was wholly unnecessary. The right honourable gentleman below me (Mr. Ponsonby) in his admirable speech, has also disclaimed all idea of seeking any patronage for the crown in the proposed arrangement. If then this discussion has been productive of no other good than that of producing this explanation, it will have served an excellent purpose,—because it was upon a supposition that such a patronage was desired, that the Catholics felt it to be their duty to oppose as they have done the measure of Veto. Had they not been deceived, they never would have adopted the course they have done; for it appears from some of their own resolutions, and from the opinion that is known to prevail among them, that there exists no substantial difference between that opinion, and the opinion of those who think some arrangement respecting the future appointment of their bishops to be necessary. The Catholics of the county of Kildare have said, in their resolutions of the 9th of May:

"That a leading and perhaps solitary obstacle to our wishes appears to arise from an apprehension rather generally entertained by our Protestant brethren, of the future nomination of our bishops being open to the interference of a foreign and hostile influence.

"That however groundless and visionary such an apprehension may appear to us, from our long experience of the eminent virtues, constitutional attachments, and exemplary conduct of the venerable body of our clergy—and disposed as we may be to consider it as the last link of the broken chain of prejudice, still it behoves us to meet it with a calm and conciliatory temper—and to express our wishes and hopes, that in the event of the full concession of our claims, some means may be resorted to of quieting it for ever.

"That it appears to us, that a guard most effectual and permanent may be opposed to this apprehended influence.

"That on mature and dispassionate deliberation, some measure may be devised, which shall render all future episcopal appointment substantially domestic,—and that such an end may be obtained, by either vesting the nomination in the surviving bishops, or by the choice of the clergy of the diocese, in chapter assembled, or by some such proceeding as shall be found strictly compatible with the inviolability of our religion."

The General Committee of the Catholics have also resolved, on the 7th of May:

"That the secretary be directed to summon all the members of the Committee on the 11th day of May instant, to take into consideration the propriety of proposing to concert with the Catholic prelates in Ireland such measures as being perfectly consistent with the Catholic doctrine and discipline, may effectually and for ever prevent, as well the influence of the crown, as any foreign and hostile influence in the appointment of the prelates of our church in Ireland."

Those resolutions fully prove, that between the right hon. gent. who has brought forward this motion, and those who agree with him in considering a domestic nomination essential for the safety of the State and the Catholics, no such variance of sentiment exists, as to leave it at all doubtful that an arrangement may be accomplished. A circumstance of vast importance to the future prospects of the Catholics;—and one that takes away from the hon. gentlemen opposite all grounds for that vain triumph which they have exhibited, on the supposition of a schism between the Catholics and their firm and steady parliamentary supporters. It is a circumstance also that affords a complete answer to the question of a learned judge; why go into a Committee if you have no plan to propose? I say, the circumstances of the case are at present such, that if you did go into a Committee, there exists no doubt that a plan would easily be arranged to the satisfaction of all parties.

Pass this vote to-night, said Mr. Parnell, and adjourn the sitting of the Committee for a fortnight, and I will undertake to say, that you will find the Catholics ready to submit to you such an arrangement as will effectually provide against all the danger of foreign influence and French connection.

I should wish, Sir, to enter fully into the general merits of this question, but I shall not now attempt to do so, after the extended discussion that has taken place. As to the claim of right, I am prepared to contend for it, and will not relinquish it. I must however, for the present, content myself with asserting that the Catholics have a right to complete equality of law. But if the House will not concede to them what they ask as a matter of right, I then call upon you to make the concession on a principle of gratitude.—What does the English nation owe to the Irish Catholics?—What did it acquire by the surrender of Limerick?—Those who suppose that by that event a garrison town was only given up to king William, know nothing of the case.—It was the surrender of a large disciplined army; so large, that 14,000 men belonging to it took advantage of the treaty to enter the French service. It put an end to the third campaign that William was obliged to fight to conquer Ireland. By it the Catholics abjured the sovereignty of their lawful king, James 2, and acknowledged the English title of William 3. By it the Catholics gave Ireland to England, and confirmed to the people of England the rights and liberties belonging to the revolution in 1688; for till the Catholics submitted to William, no one can say the constitutional arrangement of 1688 was secure. What did the Catholics do for England in the contest between the houses of Stuart and Brunswick? They adhered to their engagements entered into at the surrender of Limerick;—they stood by England in both the rebellions of 1715 and 1745;—they stood by her again in the contest with her American colonies; and in respect to the rebellion of 1798, I declare, that if it had not been for the loyal exertions and example of the leading Catholics and of the Catholic clergy, Ireland could not at that time have been preserved for England. I appeal for the truth of what I say to no less authority than the report of the committee of the Irish House of Commons, drawn up by the person the most capable of forming a correct judgment on the transaction, the noble viscount opposite. But if, Sir, the House will not concede the prayer of the petitioners even on a principle of gratitude, then I say they ought to concede it on another principle—a feeling of compunction. You have governed for a century the Catholics of Ireland by statutes unexampled for their inhumanity, unwarrantableness, and impolicy; adopted to exterminate a race of men, already worn down, and crushed by a series of calamities greater than ever one nation had an opportunity of inflicting on another; sanctioned by a people who owed their liberties, and by monarchs who owed their throne to a solemn covenant that no such statutes should exist. May I not then ask, whether the English nation, legislature, and King, have not a duty to fulfil to the Roman Catholics of Ireland greater than that of justice?—a duty of compunction, repentance and atonement. If the faith of a solemn treaty made with them has been broken, it is not enough that it has been in part re-established—it ought to be religiously fulfilled. If they have been ruled with tyranny, it is not enough that the tyranny should be relaxed—it should cease altogether. If they have been driven from the pale of the constitution, is it not enough that they should be allowed to pass its barriers—they should range free and uncontrouled through all its rights.

Sir *Ralph Milbank.*—Sir; after the very able and eloquent speeches of the hon. members who have preceded me in the support of this motion, it will be quite unnecessary for me to trespass at any length on the attention of the House, in the declaration of my own sentiments. I disclaim most heartily all those principles of bigotry which go to exclude any one class of loyal subjects from a participation in the common rights and privileges of their country, merely on account of their religious creed; and upon this ground I have always voted in favour of what I think the just claims of our Catholic fellow-subjects. To my understanding, every prejudice and misconception towards their principles and tenets urged by their old opponents, have been so fully and fairly answered, and so completely refuted, that I was led to imagine little if any objection could now remain to granting their request. But I lament extremely, that just as every thing was brought to a point, a new difficulty should have started to defeat the expectations of the Catholics, and prevent that cordial union of all his Majesty's subjects so indispensable to our safety in the trying hour of danger, and that we are now to be told it is impossible to concede to the Catholics of Ireland a repeal of the last vestiges of degrading restriction under which they have so long and so patiently suffered, unless they can give us full and satisfactory security against the operation of foreign influence upon their fealty. In my mind, Sir, this is a mere pretence of those who oppose the Catholics, to throw difficulties in the way of their success: for, Sir, I ask, what stronger security can you demand than the inviolable honour and faith of the Irish Catholics, in their fealty and attachment to you under all the hardships, severities, and persecutions heaped on them by your ancestors? Can it be supposed that they will become less faithful—less attached to you—under a system of paternal kindness, of confidence, and a full participation in the rights and privileges you enjoy, than they have been under a system of jealous preclusion and unnatural hostility, so long excited against them. If you will not accept the most solemn oaths of those old, tried, and faithful, but maltreated allies, backed by their conduct for the last century, and supported by their own interest embarked with yours, as a security against all foreign influence, of whom are you to seek that security? What better can they offer you than their conduct for the past, as an earnest of their fidelity for the future? Upon what other principle can you form a judgment of the characters of mankind, individually or nationally? By what other means on earth can they convince you of their own integrity and of your error? What bad principle or mal-intention, religious or political, have you ever imputed to them, that they have not completely refuted? What oaths,—what pledges of their loyalty have you ever demanded, that they have not cheerfully given—that they have not verified by their conduct, and, where occasion has offered, sealed with their blood? Upon what ground, then, do you justify your distrust? Or do you prefer the risque of piquing the Catholics, by your ungenerous and unwarrantable suspicions, into a real attachment for foreign influence, rather than by a liberal confidence, amply warranted by their conduct, to secure for ever their alliance and affection?—more especially at a crisis when that alliance is indispensable to your security—to your existence? Do you imagine that your wily enemy will not rejoice in your impolicy, and use every means in his power to heighten the disgust you excite by your rejection of the Catholic claims? What stronger cause for triumph could you afford to Buonaparté, than in thus casting from you the affections and attachments of that body of men who alone can aid you in counteracting his designs upon your country. Will he not rejoice in this instance of your folly and imprudence, in neglecting to secure while you can the fidelity and affections of the people of Ireland, which it is your best interest to use every means in your power to procure? In every point of view, whether of policy, of reason, or philanthropy, it is our duty to concede to the claims of our Catholic fellow-subjects. It is what they have every right to expect, and for which they have every fair claim upon your justice. It is alledged that the power of the Pope, urged by Buonaparté, may exert an influence over the minds of the Irish Catholics hostile to us: but in my mind an influence infinitely more hostile in the minds of that people, will be created by our repeated and inexcusable resistance to their supplications.—I have no doubt of the propriety of your requiring from the Catholic every reasonable security on this head, nor of his readiness to give you that security by every means short of a departure from the essential tenets of his religious faith.—This, however, is a sacrifice which you neither can nor ought to expect. But I ask, how is the Catholic to know the nature of the securities you demand, unless you define them? Or how are you to know whether he is prepared to give or refuse those securities, or what others equally valid he is ready to propose, unless you go into the enquiry, and give him an opportunity of explaining? These points I conceive will best be answered by going into a Committee, and upon these grounds I shall give my support to the motion.

Mr. *M'Naughten.*—Sir, I should not rise to say one word upon this subject, but for the charges I have heard this night from some hon. members on the other side of the House, of cruelty and injustice from the Protestants of Ireland against their Catholic fellow-subjects.—Sir, the accusation is unfounded: no part of the conduct of the Protestants towards the Catholics has been dictated by religious intolerance; and refer to the whole course of the present reign, to shew whether it is the disposition of a Protestant government to persecute the Catholics,—but on the contrary, whether the whole reign of his present Majesty has not presented one continued series of relaxation and indulgence to them? I refer Gentlemen to the successive repeals, within the last thirty years, of all the penal statutes which imposed upon the Catholic any injurious restrictions, and I ask whether there exists at this moment a single penal statute affecting the Catholic in his liberty, his property, his education, or the free exercise of his religion? Will any man say that a Catholic cannot go into a court of justice for the maintenance of his right, with the same impartiality that a Protestant does? Can he not purchase property under the same security and protection that a Protestant can? And is he not therefore as much interested as any other man of any class of people in the security of the constitution and of the country? Sir, I am sure the Catholics of Ireland would shew themselves a loyal and a faithful people, if the safety of their country was in danger. Now, with respect to the question before the House, I think it should be the policy of every free country to admit of no foreign influence over any of its subjects. The Catholics of this country, so far back as the reign of Edward the First, refused to admit any such influence as the Catholics of Ireland now acknowledge; and therefore, Sir, until the Catholics of Ireland change their sentiments, I will not vote for a measure which, so long as such foreign influence does exist, I believe to be dangerous to a Protestant state. I shall therefore vote against going into the Committee.

Mr. *Barham.*—Sir, The hon. gent. who has just addressed you, says the Catholics ought not to come to us again with their complaints, because many of their grievances have been already redressed.—What, Sir! is the justice that has been done them to be charged against them as a debt; and have people no right to complain of their present wrongs, because they formerly have been oppressed to a still greater extent? Such a sentence shews more than volumes in what light the Catholics have been considered, and are still considered by some; namely, as persons who have no rights, and to whom every thing that is left, is left as mere matter of favour. The hon. gent. particularises; he asks you, do not the Catholics come into a court of justice on equal terms with the Protestants, and do they not enjoy quiet possession of their property? And is it in a British House of Commons that such questions as those can be asked? What, Sir, would he have us to consider it as a possible case, that men could be, at this time of day, nonsuited for their religion, or plundered of their property for an article of faith?

Sir, that such sentiments can even now be uttered, convinces me (what I have thought before) that the main ground on which this question ought to rest has not been sufficiently insisted on; namely, the ground of right. For of absolute and indefeasible right do I maintain that it is, that every subject, when he has discharged every civil duty to the state, may claim the enjoyment of every civil privilege. I maintain that to grant the most perfect religious toleration is not only the first dictate of political wisdom, but the first law of political justice. It is moreover not only the first mark of benevolence to man, but of piety and submission to God.

It will be said, perhaps, why this praise of toleration; it is at least quite unnecessary, for where are the enemies of toleration? Sir, if it is about things, and not about words that we are now occupied, I answer, without hesitation, you are the enemies of toleration, you who have hitherto refused to grant the prayers of the Catholics, and now refuse even to hear them. That you are not the enemies of toleration is an answer you have in common, not only with all those who have merely held intolerant principles, but I verily believe with every persecutor that ever dyed his hands in blood. There is in the character of intolerance something so revolting to the understanding as well as the heart of man, that I question if any one ever yet owned it, I will not say to others, but even to himself, that he was intolerant. When Trajan, instead of punishing the Christians in a mass, sent only Ignatius to the wild beasts as an example, no doubt he thought himself the pattern of toleration.—When Philip drove the Moors out of Spain to perish in the deserts of Africa, it is recorded that he piqued himself on his clemency towards them, and when Louis revoked the edict of Nantes, he feared that he was even criminally tolerant. But why take the examples from Pagans and Catholics only? Did not the first Protestant parliament in Scotland make it death to say the mass? I dare be bound the teachers of those days, who instigated this execrable law, did not the less for that claim to be the ministers of mercy. Thus, our forefathers, who passed those laws against the Catholics which have so long disgraced our Statute book, no doubt were all professors of toleration; and thus the opposers of this motion would boast of their toleration; though they seek to keep the Catholics under injurious privation and ignominious distinction, purely on account of their religion; for to their political conduct or principles there is neither complaint or objection, and every political pledge that can be devised they have offered over and over again.

Thanks to the genius of the age, such enormities as intolerance has formerly led to, cannot now be repeated; possibly also the general humanity of those gentlemen might so far correct their bigotry, as at any rate to prevent them from being the abettors or authors of such cruelties. But still I must say their principles have nothing to do with toleration. Their system may be called suspended persecution, mitigated severity, or what you will; but toleration is of another family; the fruits may resemble, but they spring from a different root. Their system, like some poisonous plant, removed to a milder climate and more genial soil, may be so far dulcified as to become seemingly innoxious, but restored to its native shades will bear poison again—this is a wholesome root, and grow where it will, its fruit will be wholesome. Let the true principle of toleration be established, and let the dark ages come again, no persecution will ensue; but let the principles of the right hon. gent. get into harsher hands, and in a less enlightened age, and men will again be led to torture and death for religious opinions. The difference is this, one suspends the exercise of severity, the other abhors the right of interference.

What then is true toleration? For the answer, we are not, as some would have us, to look merely to the etymology of the word; for then must we say, that a religion would be tolerated even if its professors were enjoined never to go out but with gives and fetters on. Then we must admit that the Hugonots were tolerated in France when each man was allowed to pray in his closet, and was hanged only when he associated with two or three others for the sake of religious communion. Then must we admit that the Catholics of Ireland were tolerated when they were deprived of every civil right, and that they are tolerated now when only some of the former invidious distinctions remain.

But, it is said, what now remains is of little moment, and it is even asked, of what they complain? Sir, they complain indeed of those privations which take away from them almost every pursuit of laudable ambition, but much more do they complain of the light in which they are regarded by the laws. Feeling themselves to be as good and as loyal subjects as any Protestant whatever, they complain that they are marked out as objects of suspicion and jealousy. They complain that this induces such sentiments regarding them as have been expressed by the last hon. speaker, treating them as persons deserving less privilege and respect than their fellow subjects. Let any man put it to his bosom how he would feel under similar circumstances, be the distinction itself ever so trivial. It is not the thing—it is the intention—it is the effect—degradation in the minds of others and humiliation in their own, the more painful the less it is merited.

But what is then the principle of true toleration? Sir, we have an answer from the highest authority so express, that it would seem to have been made for the very occasion, and in anticipation of the errors into which religious zeal would lead human blindness. Memorable words! which, though they may have been quoted for sinister purposes, proceed not the less from divine wisdom and immortal truth: "Render to Cæsar what is Cæsar's, and to God what is God's." What is it then that Cæsar or the state can at the utmost claim? It will claim perfect obedience to every civil institution: perfect performance of every civil duty. Equal contribution to every burden of the state—inclusive of that which is to support the religious establishment, because a religious establishment is essential to the civil welfare of the state. But all this done and performed, the state has no more to ask—the rest is God's—and any farther claim, whether by injunction, inhibition, direct penalty, or privation for non-compliance, is intolerant, impolitic, unjust, and above all, most unchristian.

But setting aside the consideration of justice and religion, one cannot but stop a moment to contemplate the impolicy and absurdity of the thing. The state demands of its subjects every act which may contribute to its safety and welfare. Well, this is done and performed. Next it demands an opinion, and subjects those to a privation who do not comply. Why; can a man comply? Is his opinion in his own power? He may, indeed, consent to be a hypocrite, and thus thousands of hypocrites have been made, but no convert was ever thus made from the beginning of the world, nor will there till the end of it.

In the attempt, however, you are very likely to make a bad subject, and thus many bad subjects are made. I think, Sir, I feel in my own bosom, every principle and sentiment that belongs to a good subject. There is no duty to my country I would not fully perform, no sacrifice for which it would call and from which I would shrink; not only because I love my country for its own sake, but because it confers upon me more civil rights than any state ever yet conferred on its subjects. But thus could I not feel were I an Irish Catholic; I could not, in the same sense, be a good subject. I should, indeed, not be a rebel, because, viewing the evils of resistance, I should submit,—nay balancing the other good belonging to my country against this its injustice to me, I might still prefer it to any other country. But that unchecked love, that entire devotion to it which I now feel, I could not feel as an Irish Catholic under their present oppression.

Here we have an answer to that question so often asked with regard to Ireland. Whence comes it that the Irish have always manifested a more restless and lawless disposition than any other nation equally civilized? Is it any thing in the soil or climate? No country more favoured under heaven. Is it the want of law? No. Of police? In few countries have so much attention been paid to the police. Is it any thing in the native genius or character of her inhabitants? I think, Sir, if a prince were asked over what sort of people he wished to reign, he would answer, (if he knew what he was about) "Let me have a people of "strong affections and ardent character, "unbounded in their gratitude and devo"tion to those they love. Such are the "subjects to make me the happiest of "princes, and who under me shall be the "happiest of people. My reign shall be "glorious as it is happy; and as to foreign "invasion, it will only be mentioned as a "subject of derision." Have I, Sir, entirely failed in describing the Irish character, and do we not feel that something like this picture might be realized? The fault then, is not with the people; nor is it with their governors; for we see (though doubtless there have been exceptions) that frequently the attachment of the nation to their governors has been (as I believe is now the case) both warm and general.—No, Sir, the cause why the people of Ireland are more restless and more lawless than any other, is this: that whereas in every other country the religion of the people is protected by, and in alliance with its laws, here it is proscribed by the law; and thence arises such a collision of duties, of interests, and of feelings, as cannot fail to perpetuate that perturbed state till the fundamental cause is removed.

Here, Sir, I must observe that it is easier for an English Catholic to be a good subject, than an Irish Catholic. I hope I shall not be understood as detracting from the merits of that excellent body of our fellow-subjects, the English Catholics, whose exemplary patience,—whose patriotism triumphing over the sense of their wrongs, excite an admiration which it is not easy to express. May they soon receive, I will not say the reward, but the justice to which their conduct has so long entitled them! But such conduct has been easier for them, than for the Irish Catholics. Doubtless an act of injustice, whether done to a small or a greater number, is the same; but the sensation it excites is different. The general feeling, that the minority must submit to the will of the majority, weakens the sense of whatever wrong they may suffer. But the Irish Catholics have not this salvo for their feelings;—they form a prodigious majority of the people, and Ireland exhibits that strange phænomenon, where a small minority of the people have attempted and succeeded, not only in dictating a religious establishment foreign to the religion of the mass, but in imposing penalties on the majority for non-conformity.

Sir, when we are condemning the Irish for those ebullitions of resistance which have occurred, with all the melancholy consequences belonging to them, we ought to take these considerations into account.—If we do, I think, that in reviewing the history of Ireland, in observing how they have been treated;—originally wronged,—always oppressed,—often deceived,—twice confiscated within a short period,—we shall be less inclined to wonder at the restless state in which Ireland has remained, than to wonder that there should still continue there so much attachment to this country as there does. Be it our happy task to improve and to justify this attachment;—to try that new experiment with Ireland, of ruling them by their hearts, and of reconciling their laws to their religion.

If I were to address separately any class of persons who oppose this motion, I think it would be those who oppose it chiefly on religious grounds; for I think, if one could for a moment induce such to divest themselves of those ideas and opinions with which they are now encircled, as it were, in an atmosphere of prejudice; if one could get them for a moment to view the case as a subject entirely fresh and new, it would be impossible for them to continue their opposition.—That persons can have made religion the parent of intolerance,—that persons meaning sincerely can have extracted persecution out of Christianity, is one of those things which, seeing it before our eyes we cannot deny, but which, if we would account for it, confounds both our reason and imagination. History tells the horrible extravagance to which such perversions have led, and present experience shews that they are not wholly extinguished.—Whence does this solecism arise, that from a religion, the essence of which is humility and love, any thing can grow that is so insolent and uncharitable? It comes from this wretched imperfection of the human mind, which leads men, in pursuing an end that is good, to forget the means by which they pursue it. They love their religion, and would support it. But religion will not thus be supported,—it wants not such aid, but abhors it. Such aid may injure, but cannot benefit the church; and there is something in the nature of the thing that makes it so.—Hence the season of power has always been the season of corruption in the church; while the day of distress has been the harvest of virtue, and the triumph of Christianity. Have these meddling Christians so weak a sense of the truth they profess, as to think it cannot defend itself; or if they will undertake its defence, would not their victory be a little more clear and honourable without the aid of a constable?—Do these presumptuous worms think that God cannot support himself without their disabling statutes! Sir, these persons do inexpressible injury to the cause they would support; not only by the discredit they bring on religion, and of which its enemies have always been ready to take advantage, but by teaching its professors to lean in any degree on foreign aid, and less on what is their only true and legitimate support, purity of doctrine, purity of life, and an humble zeal in the discharge of its ministry.

It seems to me that some of those persons have either forgot or too little studied their church history, when they would represent the difference between the Catholic and Protestant religion to be so essentially extreme and irreconcilable. I suspect, if they were to come to a fair examination of the matter, they would be surprised to find how much they had been misled by the misrepresentation and exaggeration which it was for a considerable time the policy of this country to favour and extend. A policy which (whether or no it could be justified at the time) has now neither excuse nor pretext. Such persons would find that the difference is really not as wide as they imagine: that the original breach was occasioned rather by corrupt practices, than erroneous opinions;—that it was rendered absolute rather by political than religious causes; and that the first reformers, so far from deeming the differences irreconcilable, had laboured hard to produce reconciliation. That the ignorance and darkness of the times should produce, in religion as in every thing else error and corruption was to be expected. But are we to fasten on the Catholics, as an inherent sin, all those errors and corruptions, or are we not to make the same allowance for the Catholics on account of the times, as is made for every thing else? As well might we fix on our constitution all the tyrannies of Henry the 7th and 8th, as on the Catholic religion all the abuses then defended. In common justice, we ought to try them by their tenets as now professed, understood, and exemplified in their conduct, if this is done, we shall find them maintaining no practice, and holding no doctrines (whether free from error is another question); but none which are incompatible with the true principles of good subjects or sincere christians.—Why then, when every motive of religion or policy prompts a reconciliation, shall we declare interminable war with them, not only to the great danger of the state, but great injury to the cause of christianity? I verily believe that no man could render either a greater benefit to the state or a service more acceptable to God, than he who should do any thing to heal those deep wounds which christianity has received in the contests of its disciples, and in any degree to approximate those who worship and love the same master. It is here impossible not to notice a former publication made in this view by a worthy bart. (sir J. Hippisley), as well as his able speech in seconding the motion now before the House. The execution is as honourable to his understanding, as the purpose is to his heart; and for it I think he deserves the united thanks of the christian world. But it is said the restrictions left on the Catholics are not intended either for the purpose of punishment or to bring them over, but for that of self-defence.

Self-defence against whom? Against those who offer you every pledge of security that you can devise for their political principles. Who draw the distinction between their religious and political duties so clearly, that you cannot by possibility misunderstand them. Who exemplify their political principles by their conduct:—who, if you still doubt their sincerity, refer you to their conduct in peace, in war, in rebellion; who recruit your armies and man your navy; who illustrate the Catholic practice by the victories they have achieved for you and the blood they are shedding in your defence. Are these the persons against whom you are maintaining penalties on the ground of self-defence? Self-defence! and by what means? By taking from them the sword? No: you leave them the sword, and take from them the feather of distinction, the soldier's pride and honour; that which cannot add to his strength, but must confirm his attachment. But the absurdity is not less in other points of view. A regiment shall consist entirely of Catholics, a ship shall be entirely manned by Catholics; of these persons you have no fear, amongst whom, if there were any dark principles in their religion, which could render it dangerous, such danger must more probably exist; but the officer, the man of enlightened education, with whom such danger must at any rate be less; he who has moreover stronger motives, both of interest and of honour, to be faithful to the state he serves, it is of him you will be jealous, against him you will guard; he shall not be trusted beyond a certain rank; and, you say, whereas we have 50,000 Catholics fighting in our army and navy, for further security against the evil designs of such, be it enacted that no Catholic shall become member of a corporation, or become a director of the bank!

The argument, that Catholics cannot be trusted on their oaths seems now to be less relied on than formerly, but as it has not been wholly abandoned, I will not pass it over, for it is, not only of an absurdity which no invention could surpass, but of a malice fit only for the devil. Thus it stands: the Catholics cannot be trusted on their oath. What then? Do you exterminate them? This would be intelligible, and almost be just. Do you deprive them of the protection of the laws, of which they would be unworthy? This also would be intelligible, and would be just. Do you disqualify them from taking an oath, which seems the necessary consequence of such an opinion concerning them? No one of these things you will do, but you will put them to the test of an oath, whether they are of a religion or not which disregards an oath.—But, Sir, the wickedness of this argument shall not escape under shelter of its absurdity. Those who, from the sophistries of the most wicked persons in the worst ages, never adopted by the Catholics at large, and now disclaimed by all, can conclude thus of three fourths of Ireland and three-fourths of Europe, should excite something more than contempt, and their argument should only be mentioned, that it may be trampled under foot with abhorrence.

Of the King's conscience we also hear less now than formerly. It is, indeed, very clear, that without the utmost disrespect to his Majesty that could not be considered as a case of conscience, which has already been so often broken through.—But we will suppose (what this House ought not constitutionally to admit the knowledge of) that his Majesty has a strong opinion against conceding further to the Catholics. If so, his Majesty will do his duty. But let us do ours. If we think they ought to be conceded to, it is our duty to give that advice. We are here to counsel, and not to flatter. Some gentlemen would delay such advice till what they call a favourable moment: that is, till we suppose it would be acceptable. Such a mode of acting would obviously destroy all the uses and functions of this House. But is indeed such delay within our power? Are we sure the times admit of it, Are we sure that we shall not want the cordial union of every man in Ireland, before the period to which they would delay a measure which alone can produce it? Are we sure that foreign devices, working on internal discontent, may not, before the time to which they would delay its remedy, produce mischief perhaps irreparable? Are we not sure that the slower it arrives, justice becomes the less grateful? Do we not see that even now; that which would but a few years ago have been gratefully accepted, with the conditions annexed, is refused under those conditions? Have we quite forgot our dear-bought experience with America, when avarice led the way, and pride would not retreat, from claims in themselves unimportant? As concession was delayed, those claims rose higher, till at last concession could not keep pace with them, and in the end we could not purchase her friendship even by the concession of all.—May this not be the case with Ireland, and may we not delay our justice till it shall be too late!

It would seem, Sir, as if every motive which can act on the human mind all combined to urge us to the same conclusion.—

"Can love allure us, or can terror awe?"

Do we long to join with our brethren in Ireland in the strongest union of affection? Do we dread the loss of Ireland,—that which must now be the loss of England also? Do we like peace and safety better than commotion and danger? Do we love justice? do we love religion?—All, all these motives urge us to the same point: Justice to and friendship with the Catholics.

To such reasons it would seem impossible that any authority could give additional weight. Yet, as if that no possible ground might be wanting, we have here a force of authorities, such as perhaps had never before concurred on any subject. The authority of every great man since the case has existed. That of Mr. Fox and Mr. Pitt, who differing on almost every other subject, could not but agree on this. That of Mr. Burke, whose wisdom on late occasions, has seemed almost prophetical. That of lord Cornwallis, the pacificator of Ireland. That of a right hon. gent. present (Mr. Grattan,) who if any man ever deserved more than another to be called the patriot of his country, deserves that proudest of all titles.—And shall I omit to mention the authority of him, so long the pride and ornament of this House and country, of whose loss we are hourly trembling to hear, (Mr. Windham.) So lately and so fervently did he urge the cause of the Catholics, that it is impossible not to feel as if he were now amongst us, and pleading that cause to our hearts which he can no longer plead to our ears. He may be gone, and that voice on which we have so often hung with improvement and delight, may be heard no more! But let not what he said be lost upon us; let his precepts, and let his example live.—Never shall his memory die while virtue, genius, patriotism, integrity, courage, and all the qualities and attainments which can adorn or honour human nature, continue to be in estimation.

As to the Veto, I confess I have been extremely sorry to see that it is refused by the Catholics, not being, (as I think,) at all connected with any of their religious opinions. But I have been sorry rather because it would delay the accomplishment of that which they desire, than that the Veto appears to me of any great moment in itself; and my reasons are these:

First, I do not discover the danger of foreign influence, and secondly, I do not see how, if that danger did exist, the Veto would be an adequate guard against it.

I do not see the danger; for I think the separation between spiritual and temporal power is so perfectly drawn and well understood, that the former can no longer act on the latter, and I think the state of Europe is a proof of it. If it is objected that spiritual power in Ireland is more effective than elsewhere, I answer that this is precisely owing to the depression in which the Romish church has there been held; and that if you would reduce spiritual power in Ireland to the same nullity as to temporal matters, which it has fallen to every where else, you must let it alone, and not oppose it.

But if it were otherwise, and that the spiritual influence of the Pope extended over temporal matters to any considerable degree; still, from what we have experienced lately, we should rather consider that, as the power of a friendly ally, than of an enemy. While the present Pope continues no danger need be feared. Indeed it is impossible to mention this prelate without the highest admiration. Deprived of every comfort, subject to every indignity, exposed to every danger, assailed by every temptation; his constancy and resignation in suffering, and his courageous adherence to his duty, present a spectacle of virtue and religion which has not been surpassed in the christian history.

But it is said, another Pope may follow, nominated by, and a tool in the hands of our enemy:—I answer, that this may happen, but also, it may not happen. If it does, it remains to be seen whether such a Pope would have in Ireland the influence we fear. From the declarations of the Catholics, as well as the reason of the thing, there is good ground to believe that he would not, and thus the danger we apprehend may never arrive.

Sir, I will not incur a present and certain danger to avoid one that is future and contingent. Besides, I contend that when that danger arrives, it will better be guarded against than it can now; because, the existence of the danger being then apparent, all good men would join with us in adopting the necessary measures; and those things which are now resisted as a concession to our unjust apprehension, would then be called for by the Catholics as a security for their own independence.

But, if the Catholic clergy retaining a temporal influence over the people of Ireland, should ever be in a state to be acted on by our enemy, through the medium of the Pope, I imagine that the Veto would be but a feeble rampart to protect us. The civil laws of the country would be a much more powerful guard, and if they are inadequate to the case, much may be added as circumstances may require. If disused, the Veto is nothing; if put into action, it would be a perpetual cause of irritation, and that without, as I think, gaining a single point. In every view, domestic nomination offers, without those objections, a more practicable as well as a more effectual security.

Though I think the Catholics are wrong in refusing any thing which their religion does not command them to refuse, yet I think from all that has passed, they are entitled to much allowance. They have not been well treated; they may therefore naturally be suspicious and unjust. But let them, on the other hand, make a due allowance for the fears and prejudices of the Protestants. We also had once much to complain of, and if our suspicions and prejudices be not wholly worn out, in our turn we may be excused. Let the Catholics and Protestants but once meet for a moment in this temper and the thing is done. It is with us to set the example, for we are the strongest, and have therefore the least cause to fear. We have been last in the wrong, and ought therefore to make the advance.

Many and deep have been the disappointments of this country; great the successes of our enemy, and great, is our present danger, but we have now in our power, and by the single vote of this night, to gain over Buonaparté a victory more important than he ever gained over his enemies.

Finally, if nothing can convince or persuade the opposers of this motion, let them at least recollect how vain their opposition must be. As well might they stop the tide of the Atlantic from flowing on the shores of Ireland, as stop the tide of opinion which prevails through that country, in favour of Catholic emancipation. All that they can do by their opposition is to delay it for a very little while, and to cause that to be the result of desperate conflict and painful victory, which they ought to owe to the justice and love of this country.

Captain *Parker* rose amidst a loud cry of question, question.—Sir; I am aware that the question has been loudly called for; and certainly I should have no wish to protract the discussion to any greater length, but for the desire I have to answer an observation made by the hon. gent. who spoke last. The hon. gent. in his speech, was very eloquent in recommending conciliation on the part of his Majesty's government, towards all classes of his Majesty's subjects. With his observations in this respect I perfectly agree; but I cannot consent to have it go forth that his Majesty's government have been in any respect inattentive to the interests of the subject, when the grievance came in a shape which could be removed with safety and prudence. The hon. gent. has not taken much notice of the prevalence of the disposition in the officers of the army and navy, to indulge the men, of whatsoever religion they may be, in the course they think best of worshipping the Deity. I can assure the hon. gent. I have seen that with great pleasure, and certainly there has been a very good reason for doing it; for as a means of conciliating the men, it was the best that could have been adopted. Nor has this disposition been less manifested on the part of his Majesty's ministers; and certain I am, painful as their duty sometimes is, if the hon. gent. was himself in the administration he would do the same —(a laugh). I would ask him, whether it is not always better to conciliate than to provoke; and whether the character of the British nation has not been rendered conspicuous throughout the world for this very disposition? Sir, no man will deny me that. I know that this has been the case on the particular services to which I have had the honour of being attached. In Sicily and in Malta we have always maintained the character of Great Britain. It has been by conciliating wherever we go, that England has so many friends, and so proud a name. But, Sir, with respect to the immediate question before us. We are now talking of personages, whose identity it is difficult to ascertain. The right hon. gent. who brought forward this question, talked to us about the Pope. Now I would ask any man to tell me who is the Pope? Why it is as difficult to find out who he is, as it is to tell us who is the King of Spain. We really know not who the one or the other is. Sir, in respect to what has been said of the Irish character, I have little to say. I lament as much as any man can the unfortunate commotions that have taken place in that country. Whatever may have been said to the prejudice of their loyalty and attachment, I cannot undertake to touch upon such a subject. I can only say, that if the hon. gent. had witnessed their conduct in the Mediterranean he would think very highly of them. I never saw an instance where they were called upon that they did not do their duty like other men and like sailors, as they ought. Always obedient and attentive to their duty. But these men were always protected in the pursuit of their religious tenets. Do you think I ever prevented a Catholic from going to chapel, in whatever port we happened to be? I always wished them to go. Sir, they are not merely men, but seamen; they know their duty, and I never found them in the least degree injured by going to chapel. I always thought they were entitled to follow the course of their religion in which they were bred up.—(The cry of question! interrupted the hon. member, and he sat down.)

Mr. *R. S. Dundas.*—Sir, it will be unnecessary for me to trouble the House at any great length at this advanced hour of the morning. The arguments that have been brought forward to night, have not related so much to the expediency of the particular measures recommended by the right hon. gent. as to the general hardships sustained by the Roman Catholics, from the disabilities under which they labour; now, Sir, on that topic, and the particular manner in which those arguments have been brought forward, it might be inferred that they were applicable only to the members of his Majesty's present government. In the first place I must really beg to express my regret that gentlemen who have argued this question have not brought forward (at least in my opinion) any grounds strong enough to induce the House, not merely to do away all the disabilities which are complained of, but still less for adopting the motion proposed by the right hon. gent. and further, that they have not stated the distinct plan, or system, which it would be in their contemplation to name to the House, if it should be their pleasure to sustain the motion. I am sure that the right hon. gent. will agree, that unless this measure of removing the remaining disabilities of the Roman Catholics can be accompanied with the general good will and consent—unless it can be carried on with general approbation, and unless every species of opposition and violence, on the part of his Majesty's subjects to it, can be avoided, it would be much better that the question had never been moved. If this were not the case, the consequence must be such, as I am sure the right hon. gent. himself would deeply lament. Now, when I state that, I beg leave not to be comprehended amongst those who are stated to be hostile in principle, at all times and under all circumstances, to every thing like concession. I beg distinctly to disclaim that charge which has been brought forward by gentlemen opposite, and particularly by the right hon. gent. who has stated distinctly and positively that the administration which came in after the Grenville government, came in under a positive engagement to his Majesty, that they never would, under any circumstances, support this question. In disclaiming such an imputation upon such a subject, I have the additional voice of my right hon. friend on the bench below me, who has most forcibly and unequivocally stated, that no such pledge was given. Sir, for myself I have only to state, in answer to this general assertion, that it is not the fact, and I desire that I may not be included amongst those who entertain this doctrine, that under any circumstances, such a pledge could be given. I say, Sir, I desire not to be included amongst such men; and I beg it be understood that my objection is to the period the right hon. gent. has brought forward this question. I own that there are obstacles which, under my apprehension, do intervene, and which may be inexpedient to his own object in bringing forward the subject. Now it has been stated by several gentlemen, that the Veto, and other measures of that description, which it might be supposed necessary to require, as concessions on the part of the Catholics, form a most important branch of this discussion. I, for one, think it most material to the present question, not only not to lose sight of the Veto, but to ask the right hon. gent. whether, if we consent to go into this committee, he means to state to us any proposition which he is prepared to submit to this committee. I now ask him, does he mean to state any proposition, which he is ready to propose to the committee, upon which they may be likely to meet with the concurrence of the Roman Catholics of Ireland? I am sure he is not, and that he entertains no such idea. The right hon. gent. seems not to have considered the importance of this proposition. I would ask him, does he concur in the opinion lord Grenville has delivered upon the question of the Veto? Lord Grenville has stated, and in his opinion, he is supported by my lord Lansdowne and my lord Grey, "that circumstanced as the question of Catholic Emancipation is in England and Ireland, it is his (lord Grenville's) opinion, that any motion grounded on the Catholic question could not at this time be brought forward in either House of Parliament, without great and permanent disadvantage to its object."

Does the right hon. gent. concur in that opinion? Does he agree in opinion with my lord Grey, and my lord Lansdowne, that that doctrine is true? If he does not, I must say for one I am inclined to take their authority as of some weight in the consideration of this subject. Sir, their opinion is not to be set at naught—it is in my opinion of the highest importance to the question. If such distinguished characters as they, with all the information they possess—if they state deliberately,—not rashly, nor unadvisedly, but in the most authentic and unequivocal form,—if they state that the subject cannot now be discussed—that the petitions cannot be brought under consideration without permanent disadvantage to the objects they seek—am I not justified in stating that the right hon. gent. with a view of bettering the condition of the Catholics, would not have acted more wisely in abstaining from bringing the question forward. Now I am not stating the opinion of lord Grenville upon the Veto, as the only ground upon which I would oppose the present motion. I am not disposed to enter into the question whether it would or would not be an efficient safeguard, but I am disposed to concur with lord Grenville in the opinion he has delivered upon its merits. An hon. gent. has said that he is glad that that is the only objection, and that if the Veto is arranged the concession would be made. Now I beg leave to differ from him; my lord Grenville also differs from him, for he states, and most truly, that that is a most important object to consider; but it is not the only one that is important. It is only one of the many objections to be removed, before we can grant any thing permanent. I therefore must agree with lord Grenville, and assure the hon. gent. that the Veto is not the only objection, but there are others which remain to be removed before any permanent concession can be arranged. Now, Sir, a great deal has been stated by the hon. gent. who spoke last, upon the subject of disturbances in Ireland, and the necessity under which we labour, of granting all the concessions asked, with a view to the permanent tranquillity of that country. Now, I must say, but certainly with great diffidence, that I cannot concur with the hon. gent. in his opinion that the source of the partial disturbances which have agitated Ireland, are to be attributed to the cause he assigns. I will venture to state that the late partial disturbances in that country are not to be traced to the disabilities of the lower classes—for they have none. I do not believe that the disabilities under which they labour, were the cause of those disturbances. I do not think that the state of society in that country warrants the hon. gent. in ascribing those disturbances to that cause; but I would ask the hon. gentleman, who began the debate this evening, when he talks of the tyrannical hardships that country labours under, does he look to some measure within these few days in this House, in which that country (repeal of the Insurrection Act) was concerned? I would beg the hon. gent. to advert to those measures. I believe this House will be disposed to concur in the declaration so properly made by an hon. gent. behind me, (Mr. M'Naughten) that the present reign is not one of persecution or tyranny, either in a civil, military, or religious point of view; and I trust also that the declaration made, and the measures introduced within these few days, by a right hon. gent. near me, the secretary for Irish affairs (Mr. W. Pole), that it is not the disposition of the present government of Ireland to impose any restrictions upon the people of that country, much less to persecute them; but, on the contrary, to extend to them every degree of liberty and protection which the laws can afford to the rest of their fellow-subjects, (alluding to the bill for repealing the Irish insurrection and arms acts, and Mr. Pole's speech on that occasion). Now, Sir, an hon. gent., who sits opposite to me, in discussing the question, as far as it was to be attributed to his Majesty's present ministers, has thought fit to state that they had been the cause of great discontent amongst the Catholics of this country, and that the reason was the bigotry of the present time would not suffer them to open their eyes to the petition of the English Catholics,—and that my right hon. friend had dashed the cup of expectation from the lips of the English Catholics. I wish the hon. gent. would say whether he has not heard that the very ministers who preceded my right hon. friend, did not withdraw this measure, although they thought it essentially necessary, (Hear! hear!) and which they withdrew for no other reason than to retain their places, (Hear! hear! from the ministerial benches,) and for no other reason than to keep their places? I do not say that a government may not very properly withdraw a measure if they find it inexpedient, but if ministers think a measure to be indispensably necessary, either they ought not to withdraw it, or they ought to withdraw themselves. (Hear! hear! from the Opposition benches) An hon. gent. has also stated that Mr. Pitt, at the time of the Union, did hold out such expectations to the Catholics, and that those expectations were buoyed up for so long a time, that it was utterly impossible, by his own declaration, for him, or any of those with whom he acted, ever again to return to office, unless they were permitted to bring forward the question of Catholic emancipation. Now upon that subject I can say, that at the time lord Melville was in office no such pledge was made, and certainly his lordship came in afterwards without any declared intention of bringing forward the Catholic question. He came forward with no pledge that that measure should be carried through, still less as an engagement for the retention of his office.

Now the right hon. gent. who brought forward this measure has stated that great progress has been made in the public mind, in the removal of its objections to this measure. To a certain extent I am ready to admit, the objections of some may be removed, but I am not prepared to say to what extent they are answered; but I am prepared to assert that the public mind is not in that state which could render it possible to carry forward the measure with that general feeling of conciliation and concurrence that would make it at all advisable to pass it at this time. This is the extent to which I am prepared to state that proposition. The right hon. gent. has stated that in the year 1805, when this question was agitated, there were petitions from Oxford and London, against the Catholic claims; and from the absence of similar petitions on the present occasion, he would wish it to be inferred that this is a convincing symptom of conciliation on the part of the public. Upon this subject I can only say that the strongest answer that can be given is the positive instructions the university of Oxford has given to one of their representatives to oppose it in every stage. A great deal has been said upon the subject of the benefit that would arise from this question being discussed fully and amply in the Committee. Now, Sir, before I can accede to that proposition, I should wish, at least, to have heard what are the propositions to be submitted for their deliberation.—What proposition is the right hon. gent. prepared to bring forward? Is he prepared to remove all the disabilities of the Catholics without any modification? I know my lord Grenville does not think so, and would be the first to raise his voice against it. What is he prepared to do? All I can say upon this subject is, that as far as I am acquainted with the sentiments of the public in this country, there are great numbers of persons who are decidedly hostile to such a proposition. And I venture to predict, that should the right honourable gentleman obtain his purpose—if it were carried by a majority, I will even suppose—at this time,—and in such a temperament of the public mind, it is not likely that the proposition would be attended with beneficial consequences to the country. I cannot doubt of this; and I say again, as I said before, those hostile circumstances do exist, and I feel they do exist, it will be extremely unfit to bring forward this measure, or make it possible that it can be discussed, with any prospect of success, opposed as it must be by the hostile feelings of the public, and therefore, I, for one, cannot assent to the motion.

Now, if the right hon. gent. states that unlimited concession is the object sought for by the petitions, I think he is mistaken: for, if he thinks every Catholic is as sanguine as these petitioners, I can safely say that there are many Catholics who would even object to unlimited concession. I believe there are many Catholics (and allow me to say, that I will not attempt to question the general loyalty of the whole body) but I believe there are many Catholics who think that some such measure as that contended for by my lord Grenville, would be highly beneficial and necessary. I know perfectly well that the English Catholics do not agree in perfect unanimity with the Irish Catholics; we know that, and we all know that the Catholics of Ireland are not upon terms of the warmest cordiality amongst themselves, and even differ from their own bishops. Now, under all these circumstances, is the right hon. gent. prepared to come forward—is he prepared to state that unlimited concession is what he seeks—will he venture to make that proposition to the Committee? If not, we now remain in ignorance of what he proposes to do, should the House agree to his motion.

I have thus stated the outline of the feelings I entertain on this subject, and I have pointed out the principal grounds which press themselves upon my mind, as to the inexpediency of bringing forward the Catholic claims for discussion.

Mr. *C. W. Wynn* commented on the singular line of argument pursued by Messrs. Dundas and Ryder, who after two days debate, and a fortnight's preparation, had not attempted to bring forward a single argument of their own, or to answer one of those adduced by the supporters of this motion. They had only justified their votes on the opinions expressed by lord Grenville in his letter to lord Fingal, which they had for that purpose misstated. He denied that it was said in any part of that letter " that unless the Veto on the appointment of the Catholic bishops was conceded to the crown, Catholic emancipation could not be granted."—It was true that lord Grenville lamented the failure of the Veto, as being the readiest and simplest security which could be afforded against foreign interference, and as being justified by the practice of the Catholic church in other countries; but he expressly stated, that all he thought necessary was, that some effectual security of this nature should be provided, and that the forms of that security, and details of the arrangement, were matters of minor importance*.—By acceding to this motion of going into a Committee, the House would in effect only pledge itself to the declaration just made by Mr. Dundas, viz. that there were circumstances under which the legislature might safely admit the present petitioners to the rights and privileges of the other subjects of this realm. Such a declaration would in itself dispose the minds of all parties to that spirit of mutual conciliation and concession by which alone this great measure could advantageously be carried into execution. —He deprecated the idea that frequent discussion was prejudicial to the Catholic claims. On the contrary, the most beneficial effects had resulted from the debates which had taken place in 1805 and 1808. —The cause of general toleration had gained ground, unfounded prejudices had been removed, and the liberality of sentiment evinced, not only by the supporters, but by many of the opponents of this question, had tended to conciliate the minds both of Protestants and Catholics. The increased support which this question had received in this and the other House of parliament was great, but its progress was still greater in the public mind. For these reasons he should willingly and cheerfully give his vote for entering into a Committee on the Petition now before the House.

Mr. *Maurice Fitzgerald.*—Sir, it is not my disposition at this late period of the debate to go much at length in the observations I have to make upon this question; I trust, therefore, the House will permit me to claim their indulgence. Sir, the right hon. gent. who spoke last on the other side of the House (Mr. Dundas) has not thought proper to say any thing upon the real merits of the question before us. He has merely confined himself to a series of complaints against my right hon. friend, for not having stated the precise grounds upon which we are to go into a committee. Sir, I maintain that the right hon. gent. and the rest of his colleagues are not entitled to ask upon what stipulated grounds we call upon them to enter into a great political arrangement for the benefit of a large proportion of his Majesty's subjects in Ireland, and to discuss, when in the committee, with what qualifications such an arrangement can be accompanied. We say, that we ask you for the repeal of the remaining laws against the Roman Catholics of Ireland, as a most necessary and indispensable means of preserving that portion of the British empire. We ask, I say, for this as a pressing necessity; and when you go into a committee, we are ready to go into a committee. We call upon them to enter into such an arrangement as the wisdom of the House may suggest. At the same time I protest against any right on the part of the right hon. gent. and those gentlemen on the other side of the House, to demand any declaration on the part of the Roman Catholics with respect to that arrangement, as they seem disposed to refuse any condition. Sir, it is not the first time in the course of this session, that his Majesty's ministers have abstained from answering every syllable of argument which comes from this side of the House. I am, therefore, not surprized that at the end of a long debate, the right hon. gent. has preserved, with respect to every argument upon this question, the most dignified silence; and that he, as well as his colleagues, have answered only in the words of my lord Grenville, and grounded their arguments upon the sentiments of one of the most distinguished friends of the Catholics. Now, Sir, I do not concur in the view that my lord Grenville has taken of this measure.—I do not think that the necessity for conceding the Veto exists, and in that opinion I am borne out by the sentiments of a large proportion of the Catholic advocates. I confess I cannot agree with that noble lord, nor with the right hon. gent. who grounds his opinion upon that of his lordship, that it is a necessary and an indispensable concession on the part of the Catholics with a view to a political arrangement; but that the Veto, in my opinion, must be considered as a very immaterial collateral part of the question. The relief of the Catholics goes to the relief of the laity; it does not go to the relief of the hierarchy of Ireland. It goes to the relief of 4,000,000 of his Majesty's subjects from certain political disabilities, and affords to them the enjoyment of certain political privileges, from which they have been for ages excluded. The question is not whether their hierarchy shall be recognized as a constituent branch of the constitution, but whether you will admit the Catholic people of Ireland to a political arrangement with England. The happiness, or unhappiness,—the importance, or humility of the Catholic hierarchy, who are one moment to consider themselves as a degraded and contemptible set of men, who are only disposed to act rightly when it suits them, and who upon all occasions are the promoters of sedition and discontent amongst the people, is not the question now. But, Sir, though this is not the question for consideration now, it is not fit that this calumny should remain unanswered or unrefuted. Sir, I know the Catholic Hierarchy of Ireland well; I know the principles and motives by which they are actuated, and I will venture to assert, that in consistency of morals, erudition, and knowledge, it may be compared with any religious establishment in the world.—I know they are actuated by a sincere spirit of religion; and if, upon this occasion, they shrink from entering upon any terms with the present government, it is what we must naturally expect, after the manner in which they have been treated. Is it possible that they can enter upon a treaty with men, who have boldly avowed their determination to degrade their hierarchy? Can you wonder that they shrink from holding intercourse with their destroyers? And they do so not upon very slight grounds: they do it upon the specific declaration of the ministers of the crown, who have said, that they wish to destroy the Catholic hierarchy of Ireland, for this was the declaration of my lord Redesdale.—Sir, no man will deny that this has not been the spirit in which all his Majesty's ministers have spoken of that respectable body.—To break down and destroy the Catholic hierarchy of Ireland has been their cry. Sir, when it has even been declared by a noble lord nearly connected with the government, that he thought it his duty to destroy that body, can you be surprised that the Catholic hierarchy should shrink from entering into a treaty with such men? But they do not ask you for temporal rights or immunities;—they are satisfied with the moderate circumstances in which they are placed, and all they require of you is, that in your political speculations you do not wantonly sport with their feelings;—that you do not question their unimpeached and unimpeachable loyalty, or injure the moral reputation of men who have always evinced a strong and anxious adherence to their duties. Sir, it is not my duty to argue the question abstractedly;—I think it has been already discussed so ably and so fully upon the score of policy and necessity, that I do not wish to argue whether it be right to grant the Catholics what they want, or whether it is their duty to make any concessions; but I will say this, of the character of those persons who would be benefited by the emancipation, that they are men who are ready to make any concession, or give any security that can be required for their own personal conduct: I mean the higher orders of the Catholic body, to whom, by the removal of those obnoxious laws, the doors of preferment would be open in the army, the navy, and the legislature.

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* " To the forms indeed of these securities, or to the particular details of the proposed arrangements, I attach comparatively little importance. A pertinacious adherence to such details in opposition even to groundless prejudice, I consider as the reverse of legislative wisdom. I look only to their substantial purposes; the safety of our own establishment, the mutual good will of all our fellow subjects, and the harmony of the united kingdom."—Lord Grenville's Letter to the earl of Fingall.

I would put it to the common sense of gentlemen who are adverse to the Catholic claims, whether it would be necessary to insist upon the right of nominating Catholic bishops, for the purpose of securing the benefit of their assistance, and of preserving the loyalty and attachment of such men, should they obtain a command in the army and navy? I would ask whether in common sense, the Catholic gentleman, when he looks to the command of a 74 gun ship, considers the relief of the Catholic clergy, or the supremacy of the Pope, as an object of political consequence, to which he is bound to look? Let that gallant officer (captain Parker) who has not long since declared, in terms becoming the liberality of his profession, that he never would prevent a Catholic from worshipping his God according to the rites of his own religion, say whether he thinks a Catholic captain or a Catholic admiral would not be actuated with the same zeal and loyalty for the service as a Protestant? or whether he would look for promotion, as an object by which he might be enabled to pull down the fabric of the established Protestant religion, for the purpose of setting up the Catholic hierarchy in its place?—Because to that extent we must suppose the objection goes, unless you deny the influence of the Catholic clergy. Now I do not attribute such motives to my lord Grenville, as have been laid to his charge, namely, a wish to model the Catholic clergy to a peculiar form, for the purpose of securing the allegiance of the Catholic laity of Ireland. I perfectly agree that we are bound, in the establishment of a great country, to consider in what hands the power of the country may be placed. In the present instance, I have no hesitation in saying, that whether we look to the state of the country or the state of men's minds, it would be inconsistent with the doctrines of the Catholics, to give any effectual influence to the crown in the nomination of their bishops. I do say that such a measure would be attended with the most mischievous consequences to the country.—I know it would be converting the Catholic clergy from being quiet and inoffensive subjects, and pious and devout teachers of their flocks, into a restless and dissatisfied sect;—it would be converting them into intriguing political instruments for every person, who look by their means to the promotion of their political objects. Sir, to convince the House of this, I would only refer them to the situation of the Protestant clergy. Are we to suppose the Catholic will be more scrupulous as to the means of obtaining patronage, than the Protestant minister: It is the reproach of our church, that the minds of our clergy are too much employed in political objects, to pay due attention in matters essential to religion. Do you think that the Catholic clergy, placed under similar circumstances, will be more scrupulous than they are on the present occasion? Then I ask the House whether they do not conceive, looking to the general interests of religion in a doctrinal point of view, that by granting of this power to the crown, political influence would predominate over religious allegiance? I would ask them, whether there is any thing surprising in the disaffection such a power vested in the hands of the crown would produce in the Catholic laity, and whether it would not be very much to be apprehended that they would resort to other means of freeing themselves from a disgusting yoke? You would have a higher clergy brooding over its insults and grievances, and consulting with each other on the most effectual means of reuniting itself with the parent stock.

With respect to the sentiments my lord Grenville has delivered upon this subject, they are in my mind liable to many objections. I agree with his lordship, that foreign influence ought to be guarded against, but I think that might be done by other means, than by interfering with the principles or doctrines of the Roman Catholics. Nor indeed can I agree with his lordship, that the necessity of having a guard of this kind is so strong as his lordship seems to think. In evidence of this, I refer the House to the edict of the Catholic bishops, in which they have declared a determination, that during the time the Pope is a prisoner, they will abstain from all communication with him. The Catholic clergy have determined that they will acknowledge no power in the Pope unless he is spiritually free, and therefore they have rejected every political interference of that power with their consciences. With respect to the opinion of the Catholic laity upon this subject, I must beg leave to read a resolution unanimously agreed to by the General Catholic Committee of Ireland.

But, Sir, really, when we talk of the power and the influence of the Pope, we are talking of phantoms that do not exist. The power of his holiness is more in imagination than in reality. Great as was once the political power of the Roman see, it is now but a shadow. Have we not seen within the last year the Pope stripped by the over-reaching hand of Buonaparté of his last stake in Europe? Have we not seen that bold and daring usurper declare him to be no longer a temporal prince; and have we not beheld that power, once so successfully employed in throwing the states of Europe into convulsions, stript of all its splendor and consequence? The last struggle of that unfortunate power was the cause of its immediate downfal. After the battle of Asperne, Buonaparté seized the occasion of victory to extinguish for ever the last remaining vestige of the Pope's temporal significance. Now, Sir, I have addressed the House thus much upon these collateral points, upon which the Catholics have been so misunderstood. I shall now, with permission of the House, advert to some other observations introduced in the course of this debate. The right hon. gent. (Mr. Dundas) has asked, why did the late administration, if they conceived and knew that the relief of the Irish Catholics was a necessary measure,—why, he asked, did they withdraw it, or not withdraw themselves, if they thought it to be absolutely necessary? I think that question comes rather with a bad grace from the right hon. gent.; for although he has disavowed the more violent feelings of his colleagues, he has no doubt coupled himself with them. Now what is this question of time, which gentlemen on the other side so cogently urge. They rest their arguments upon the most futile and ridiculous grounds, but their real ground for refusing the Catholic claims has a more culpable foundation. That men are sometimes to be found capable of doing injudicious acts, without the imputation of premeditated ill-will, I am willing to admit; but that men like his Majesty's ministers, who take occasion of poisoning the ear of the sovereign against his subjects in a question like this, and who are content to enjoy the sweets of office, by misrepresenting the real interests of the throne and the country, I am disposed to hope, are rarely to be found. Upon such principles as these have the right hon. gentlemen been induced to give a pledge to his Majesty, that they never would propose any measure for the relief of the Catholics. This, in fact, is the only answer they can give to the petitions of the Catholics: "We are pledged, we are sworn, not to give you those rights and immunities which the rest of his Majesty's subjects enjoy, and we should forfeit our places, if we proposed any measure of relief for you." (Hear! hear! and a cry of explain! explain!) I must say, that with respect to the late administration, they acted consistently with the conduct of men who were anxious to unite the hearts of all men in support of the British constitution; for finding it was impossible to continue in office without compromising their principles, they preferred their duty to their places, and gave up a power which it was impossible to maintain with honour to themselves, or satisfaction to their country. Sir, there are other considerations in this question, which ought to induce the right hon. the chancellor of the exchequer to weigh well the principles upon which he justifies his conscience in his opposition to all Catholic objects. The right hon. gent. says he cannot, consistently, with the opinion he has formed of the Catholic people of Ireland, grant them the prayer of their petition.—Then, I ask him, is he prepared to disband the Catholic soldiers and sailors, with which the army and navy of Great Britain are filled? (Hear! hear! hear!) I ask him whether he means to discontinue their services, as men that are not to be trusted? (Hear! hear! hear!)—I ask him whether, in the state of this country, and the difficulties with which it is surrounded, he can man an army without the aid of the Roman Catholics of Ireland? (Hear! hear! hear! hear!) Sir, my right hon. friend has been told upon this occasion by a learned civilian (sir Wm. Scott) that the Catholics do not deserve these immunities, because if they were good Catholics they could not assent to those conditions which my right hon. friend proposed. That is what the learned civilian has stated. He takes upon himself in one sweeping sentence to condemn all the Catholics of England as well as of Ireland, and which men, the learned civilian, in the true spirit of his profession, contends it would not be considered as consistent with the principles of the law of this country, to grant such privileges, and, therefore, he proposes to exclude from all civil liberty, an immense mass of people, not on account of existing disabilities, but because they have not conformed to some obsolete doctrines of their own religion. The learned civilian says at this day, that because the Catholics have not maintained the doctrines of the council of Trent, they do not deserve to be free, they are bad

Catholics and bad men. Now I ask the Catholics of England, whether that is the character they deserve? whether lukewarmness is the characteristic quality of their religion?—whether they feel a less ardent spirit than other men, in the cause they embrace, whether of religious or of civil freedom? Sir, I think they would say it was a foul slander upon their character. A right hon. gent. (the secretary for Ireland) in representing to the House the state of the Irish Catholics, was pleased to observe, that he could no where find a stronger principle of British feeling and British liberty than among the Catholic noblemen and gentry of Ireland. Then, Sir, is this an hour,—is this a period for the learned gentleman to take upon himself to say, that the Catholics of Ireland are unworthy of British freedom, and the blessing of British laws, because they do not entertain all the dogmas of the councils of Trent and Lateran, or abide by the superstitious notions of 500 years back? Sir, when I feel for the Catholics of England, it is not because they are eminent for their cordiality with the Catholics of Ireland, but because they are Catholics in the common cause, and because I think they do not deserve the stigma put upon them in common with their brethren of Ireland. Sir, for the Catholics of Ireland I will say, that no men understand the principles of British freedom better than they do:—no men better deserve the enjoyment of the British constitution. They are loyal, constant, and faithful: and as the right hon. gent. has truly said, amongst their nobility and gentry, there are to be found none who do not feel and appreciate the advantage of civil laws and liberty. Religious without being bigotted they are.

Sir, by what right does any man take upon himself to attribute dangerous motives to others, because he happens to differ in matters of faith? and upon what principle is he to legislate for a nation, of whose principles and opinions he seems to be in total ignorance? Sir, if his Majesty's ministers will not open their eyes to the situation of the Catholics, it becomes the imperious duty of this House to see why two-thirds of his Majesty's subjects in Ireland are to be excluded from the blessings of civil and religious toleration. Sir, I cannot conceive upon what principle of reason, of justice, or policy, a nation, whose conduct has been, for ages, unimpeachable, is to be thrown off, when they apply for a redress of their grievances, from those very persons who have insulted their natural rights, by a charge of not having violated those doctrines, which they affect to ridicule.

Sir, I am sensible that I have trespassed very long upon the indulgence of the House, I shall merely say, that with respect to the state of Ireland, gentlemen are extremely mistaken in the opinions they have formed, if they conceive that the Catholic laity of Ireland are much more interested in establishing the Catholic hierarchy than of possessing the advantages of civil freedom, and they are equally mistaken if they conceive that the Catholic clergy are become ambitious of any such object. They think of no such thing. On the contrary, I believe the Catholic clergy are disposed to remain in the moderate and humble state in which they are. That if the Catholic clergy were amply endowed, and it suited their doctrines to be placed upon some other foundation and footing than they are at present, I ask those right hon. gentlemen, whether it would not be an additional security and pledge for their good conduct? Sir, I know that by the policy pursued by the enemy, strong as he is in war, formidable as he is in policy, invincible as he is by the military means with which he threatens this country, he becomes more formidable by his own internal regulations. It must be to him extremely gratifying in the midst of conscious power and authority, that in his decrees, liberty of conscience forms the most prominent boon to his subjects. He has declared that it is consistent with the Catholic church of France, that all religious sects should be tolerated in the full exercise of their religious rites. That no religious sects shall be injured or molested in the pursuit of their doctrines, who swear allegiance to the state. Whilst he is pursuing a system which conciliates —a system which conquers for him beforehand, whilst he is not satisfied with tolerating, but actually establishing religion:—when the word of his decree is that the Calvinistical clergy of his dominions shall be tolerated in the full exercise of their religion:—when he says, I am not satisfied with toleration, but the Calvinistical religion shall be established: he does an act of wisdom worthy of his great mind; he sets an example to the ministers of this country, from which they ought to take warning. But, alas! in the wreck and ruin of the world, when every crowned head holds its dominions by the most tottering tenure, they pursue the same old system of intolerance and bigotry; they follow the same intolerant tyranny of the dark ages, amidst the light of truth,—they blast the hopes and expectations of an enlightened nation—they shut their eyes to the merits of a persecuted and long suffering people; and not until they have torn asunder every tie of consanguinity and affection between these sister islands, will they see their folly, their madness, and their wicked intolerance. When the dominion over Ireland is lost, their repentance will come, but it will come, alas! too late. They have refused every measure of conciliation.—Every act of concession that has been extended towards that unhappy country, has been drawn, not from their repentance, not from their affection, but from their terror, and the pressing calls of necessity. Ireland, Sir, has suffered now for centuries under a tyranny, from which she has now sense enough to rescue herself; and let me tell you she can rescue herself. I will now ask his Majesty's ministers, to what period they intend carrying this system? (Hear! hear! hear!) Can they define the period when they will hearken to the complaints of Ireland? Do they mean to postpone it till the French army is landed in Ireland? I trust they will not try so dangerous an experiment. They will then postpone it to a day when the sentiments of Ireland, sore with long disappointment, will join in unison against a power, which rewards her labours and sufferings with ingratitude and contempt.

But, Sir, amidst the gloominess of this subject, I am happy to perceive that many of the Protestants of Ireland feel a sympathy in the sufferings of their Catholic brethren. I am happy, I say, to see this: I hail it as a symptom of unanimity, which must be crowned with the most beneficial consequence to Ireland. Believe me, Sir, that when the Catholics have the sense to see the wisdom of uniting with their fellow subjects, and that their best policy is conciliation with the Protestants of Ireland, this question is carried. That day on which the Protestants of Ireland agree with the Catholics, in demanding this concession of Catholic rights, as consistent with universal security—with the establishment of good government—the security of property, and the maintainance of the church, this measure will be carried as triumphantly as those sentiments of hostility have been uttered by the right hon. gent.—as conclusive of his opposition to the demands of Ireland. (Hear! hear!)

The *Solicitor General* (sir Thomas Plumer) rose amidst a general cry of question, question. Sir, I can assure the House it is not my intention to trespass on its patience but for a very short time.—I shall scrupulously confine myself to a very narrow view of the immediate question before us, viz. whether it is, or is not, fit to refer the petitions to a Committee, avoiding any of the more general discussions, which do not appear to me necessary for the decision of that question.—I am desirous of explaining the grounds upon which my vote will be founded (cry of question! question! from the opposite side.)—It is very possible that in the quarter from whence this clamorous interruption proceeds, I may already have incurred the imputation of bigotry and intolerance (Hear! hear! from the opposite side.)—If so, it is surely not very unreasonable to expect that I should obtain a fair hearing in my own defence, especially from those who affect to be such strenuous advocates for toleration, unless we are to understand by that term a freedom of thought and speech allowed only to one side of this great question.—Perhaps, however, these enemies to intolerance and persecution, whenever their own friends or tenets are the objects of it, may be reconciled to the suspension of it towards one of an opposite persuasion, if I assure them that the principles on which I shall oppose the reference of these petitions to a Committee, are those which have been publicly and repeatedly declared by some of the most zealous adherents to the cause and interests of the Catholics—I object, Sir, to this reference, because I am persuaded it can lead to no practical good, because circumstanced as this great question now is, and in the present state of feeling and opinions in both parties in England and Ireland, it is utterly impossible that any effect can be produced from the discussion of the subject other than to widen the differences which unhappily already prevail.—This is the opinion of one who certainly cannot be accused of bigotry and intolerance, who has uniformly stood forward as the warmest champion of the Catholics, who has recently avowed his unaltered sentiments in their favour, and whose successful elevation in the University of Oxford the right hon. mover of the question (Mr. Grattan) considered to be a decided proof of the change made in the public mind in favour of the Roman Catholics.—In a public letter, deliberately penned and promulgated to the world, the noble lord, to whom I allude (Lord Grenville), has in the strongest terms deprecated the present agitation of this question, upon the ground of the injury that it could not fail to produce to the measure which it was intended to promote, (viz.) the harmony and union of the empire.—An hon. gent. who spoke lately from the opposite bench, in answer to a similar observation made by my right hon. friend near me, wholly omitted to notice the words in the letter of his noble relation containing this opinion, to which my right hon. friend alluded. I shall put this point out of all doubt by quoting the words of lord Grenville's letter.—"Circumstanced (he says) as the question now is, both in England and Ireland, it is my deliberate opinion, that no motion grounded on your (the Catholic) petition could at this time in any hands, certainly not in mine, be brought forward without great and permanent disadvantage to its object."—"This opinion is founded not only on the present known dispositions of government and parliament, but also on the unexpected difficulties, which have arisen in Ireland, on the impressions which they may create, and the embarrassments which they unavoidably produce."

In another passage he says, "I see, therefore, in the present state of this subject, much unexpected embarrassment, and many difficulties, which renewed discussion, in the present moment, must, instead of smoothing, inevitably aggravate."—And again—"I must with equal explicitness decline to be myself, at this time, and under so many circumstances of such peculiar disadvantage to your cause, the mover of any such proposition.—I am satisfied that by this decision I shall best promote the ultimate success of that great work which I have long laboured to accomplish."—Does it not then unquestionably appear from these passages that the present motion is made in direct opposition to the most explicit and deliberate opinion of this noble lord.—Is this an opinion originating in a spirit of bigotry and intolerance? Or can we on this side of the House, who concur with one of the most tried and determined friends and patrons of the Catholics in deprecating a measure, which affords no rational hope of good, and from which nothing but mischief can ensue, can we be justly branded with the appellation of intolerant bigots, and decided enemies to the Catholics? Those who are pleased to indulge in such accusations must not forget that in them are involved the most zealous and strenuous supporters of their own cause and party, who must on their hypothesis be considered as having treacherously abandoned that cause, and enlisted into a decided opposition to it. But if this deliberate opinion of the leading supporter of the Catholics in the other House of Parliament be not sufficient, what will be said of the sentiments delivered in this House by one of their oldest and firmest friends in it, by the right hon. gent., who introduced the question upon the present occasion, with so much eloquence, ability, and zeal, as he has frequently done before in this and another part of the United Kingdom; will the gentlemen opposite impute bigotry and intolerance to him, or will they suspect him of being lukewarm in the cause of Catholics, or of having treacherously abandoned it.

And yet from what was stated by the right hon. gent. in the commencement of his speech, it will clearly and uncontrovertibly appear that he is himself another great authority against the propriety of the motion with which it was concluded; he has unanswerably proved that in the present state of things nothing but mischief could be the consequence of acceding to it.—It cannot be forgotten what were the principles which the right hon. gent. in the very outset, with marked anxiety, laid down as those on which he proceeded, and the terms and conditions on which he thought the prayer of the Catholic Petition ought to be acceded to.—He stated the plan of his motion to be directed to the attainment of two objects; the first of which was to put an end to any foreign influence and authority over the Catholics; the second, to communicate to the Catholics the franchises which they required. He stated those objects in this order, to shew that the first was of the highest importance, and was to precede and be made the indispensable condition of the second. His opinion on this subject was declared in the most explicit and decided terms. He stated the impolicy and danger of allowing great power and authority to be placed under the controul and influence of a foreign state, particularly at a time when that state is the captive of our natural and implacable enemy, with an intention declared by that hostile government to assume, in future, the exclusive nomination of his successors, and all the authority and influence possest by that foreign power would in effect be given to our enemy, to be exercised by him in every way most injurious to the safety and tranquillity of the empire.—He observed upon the peculiar danger which would result from this state of things, in the event of a French army being landed in Ireland, and the authority and influence of the Holy See left to operate with augmented force, through the medium of a catholic hierarchy nominated by, and dependent upon it, upon all the hopes and fears of the mass of Catholic population, with a profest object too of coming to support the Catholic power and interest, in that part of the empire. He exprest his decided opinion that whilst such a foreign influence continued to prevail, a compliance with the prayer of the catholic petition was wholly inadmissible.—It was contrary to every principle of sound policy, and incompatible with a due regard to the interests and safety of the empire.—If, then, the papal authority and dominion still continues to prevail with unabated force amongst the Catholics in Ireland, if they have shewn no disposition to separate from and relinquish it, but, on the contrary, have evinced the most determined resolution to adhere to and support it, the right hon. gent. is, upon his own declared principles, a great and decided authority against any compliance, at this time, with the Catholic Petitions.

The noble lord, to whom I have before alluded, is also another authority on the same ground. Professing the same unabated zeal on behalf of the Catholics, he is still decidedly adverse to the grant of any further franchises, unless upon similar conditions. In the letter before quoted, he states the necessity of accompanying any such grant with various arrangements.—“I must beg leave (says he) to recall to your lordship's recollection, the grounds on which the consideration of these petitions has uniformly been recommended to parliament. That which you have asked, and which has been supported by the greatest statesman of our time, now no more, is not in its nature a single or unconnected measure. Its objects are the peace and happiness of Ireland, and the union of the empire in affection as well as in government. With the just and salutary extension of civil rights to your body, must be combined, if tranquillity and union be our object, other extensive and complicated arrangements. All due provision must be made for the inviolable maintenance of the religious and civil establishments of this united kingdom. Much must be done for mutual conciliation, much for common safety; many contending interests must be reconciled, many jealousies allayed, many long cherished and mutually destructive prejudices eradicated.”

The noble lord mentions his own proposal of a Veto, and states as a reason for it, the alarm which might not unreasonably exist at any possibility by which functions of extensive influence might hereafter be connected with a foreign influence hostile to the tranquillity of the country: a danger, he observes, very much encreased of late by the captivity and deposition of the pope.—The proposal, he said, was received in parliament as the surest indication of those dispositions, without which all concessions must be nugatory, and all conciliation hopeless.—The stability, he observes, of all the civil rights of the Catholics, both of those they already enjoyed, and of those to which they seek to be admitted, essentially depend on the tranquillity and harmony of the country, on banishing from it every hostile influence, and composing all its internal differences.

Such are the principles, such the indispensable conditions, upon which any further parliamentary grant to the Catholics is to depend, according to the judgment of the two leading characters in this and the other House of Parliament, who have uniformly been most strenuous in their favour.—No one will suspect them of being hostile, or even lukewarm, in the cause of the Catholics. No one will impute to them unnecessary and groundless apprehensions and alarm, or ill-founded prejudices. With every friendly disposition towards the Catholics, with every feeling of earnest zeal in the promotion of their interest, they are compelled to acknowledge the danger to the Protestant establishment of the state, if their petitions were to be granted without effectually securing a compliance with those conditions on the part of the Catholics. With such a disposition of temper in the Catholics, it is admitted to be utterly vain and hopeless to attempt any plan of harmony and union in the empire by further concessions. The question then is reduced to a short issue, has there been manifested any such temper and disposition to part with ancient prejudices, to cast off the papal influence and authority, and accede to the arrangements thus deemed necessary for the common happiness, tranquillity, and safety of the empire?—Has any gentleman, who has spoken in the course of this long debate, ventured to give us any assurance or pledge of that nature?—Is there any the least hope or prospect of it?—The noble lord, in his letter above quoted, distinctly admits there is not, and on that ground deprecates the agitation of the question, and declines himself to be the mover of any proposition. Does the right hon. gent., who has undertaken that task, gives us any hopes on the subject?—Does he not decidedly prove the contrary, in the reception with which he states his proposition of a Veto to have been received?

The temper and disposition of the Catholics could not have been subjected to a milder test. The papal authority could hardly be said to lose more than it would gain by such an arrangement: as any abridgement in the entirety of the episcopal appointment would be more than counterbalanced by the public recognition of the Catholic episcopacy in Ireland, hitherto merely titular and unauthorized, and of the exercise of the papal nomination, subject only to the royal Veto. Yet even such an arrangement, though brought forward under the sanction of some of the leading interests amongst the Catholics, and with the express approbation and assent of their deputed agent, engaging too for the confirmation of his principals and employers, and though adopted and recommended by their principal supporters in both Houses of Parliament, was rejected by the unanimous resolution of the Catholic bishops, declaring their fixed determination not to admit of any change in their ecclesiastical appointments; that in his holiness the pope, his captivity notwithstanding, the right still abides of giving communion and confirmation to bishops of the Roman Catholic church, and that such condition is become a landmark of the Catholic discipline and ecclesiastical peace throughout all the churches. The Roman Catholic church teaches (they declare) that of the christian polity a most essential part is the principle and tendency of an unceasing communication, in divine things, amongst all the faithful, of which communication even a temporary suspension is a misfortune to mankind, but the perpetual abrogation by human law must be considered by us as manifest oppression of conscience. (Mr. Keogh's Commentary on the Veto.)—The resolutions of the counties of Kilkenny and Lowth, in which the Veto was attempted to be carried, and of other counties and cities in favour of what is termed the independence of the Irish church, sufficiently testify the feelings of at least a considerable part of the Catholics of Ireland.

The Catholic inhabitants of the county and city of Kilkenny, in an address to the synod, state, that in their temperate yet firm disapproval of any innovation in the mode of perpetuating that divine hierarchy (which, covered with the glories won out of a rude and lingering struggle, they look up to as the last undestroyed monument of their faith and ancient national grandeur) they solemnly recognize the succession of those virtues by which their sainted predecessors were ennobled.

At a general meeting of the Roman Catholics of the county and city of Kilkenny, convened by public notice, on the 2d of February last, they declared themselves immutably attached to the decision of the Roman Catholic prelates of Ireland assembled in their national council, in Sept. 1808, against giving any controul, much less an effectual one, to the crown in the appointment of their successors.—That the power to be conveyed away to government by the measure of a Veto, would be a disgraceful barter of things spiritual for things temporal;—that it would, in process of time, eradicate the Roman Catholic religion from this country. That the plea of withholding their acknowledged and imprescriptible rights, in consequence of the Pope's authority over them and his subjection to a hostile power, is inadmissible.—To accede to such a measure is considered, by the Roman Catholics of Ireland, as wholly inconsistent with their religious tenets and faith, of which an inviolable attachment to the supremacy and dominion of the sovereign pontiff forms an essential part.—The captivity and fallen condition of the Pope, so far from affording an argument in favour of any diminution of his authority and power, is considered as aggravating the injustice and baseness of such a deprivation.—It is evident that the rejection of the petition of the Catholics, and leaving them as they now are, is a measure infinitely less unpopular and obnoxious amongst the Roman Catholics of Ireland, than to grant all they require under the new restrictions and changes, which are proposed to be introduced.—It is treated as a species of heresy and apostacy—and that if it were adopted Ireland would cease to be a Catholic country. That [to use an expression of their late agent] "We may as well pretend to pluck a beam from the sun as to touch a fibre of ecclesiastical jurisdiction."—Whilst those sentiments and feelings prevail, can there be the least hope entertained that the Roman Catholics of Ireland would be disposed to accede to the right hon. gent.'s project of abandoning the supreme head of the church, and adopting a domestic nomination, a project which I do not understand to be brought forward with any sanction but his own, and which is obvious in a stronger degree to many of the objections made to the former project of a Veto, as it takes away the episcopal nomination altogether from the holy see? and even if upon this one subject of episcopal appointment the foreign influence and authority of the Pope were to be relinquished, is there any the least reason to expect that the Roman Catholics are prepared at present to relinquish that influence and authority upon every other subject, and wholly to separate themselves from all connection with the see of Rome, in the manner and to the extent which the right hon. gent. has shewn to be essential to the tranquillity and safety of the empire, at least during the dependence of that see on the emperor of France, is an indispensible condition of a compliance with the petition of the Catholics.

Does it not incontestibly follow, then, from this state of the case, without entering upon the general question, how far it would be politic and just to grant any further political power and franchises to the Roman Catholics, even if they were ready on their part to accede to all the conditions and arrangements which are deemed necessary by their two great champions, the right hon. gent. and lord Grenville: yet circumstanced as things now are, in the decided and avowed determination of a great proportion of the Catholics of Ireland, and their ecclesiastical leaders, not to admit of any the least change in their connection and attachment to the sovereign pontiff, notwithstanding his present condition, and the prospect of his future dependance on France, a compliance with the petition of the Roman Catholics is, to use the expression of the right hon. gent., inadmissible; and consequently, to accede to the present motion of referring it to a Committee, could lead to no practical good, but must be productive of infinite mischief.—I trust, Sir, I have now shewn that the grounds upon which I oppose this motion are supplied to me by the most distinguished partisans of the Roman Catholics either in express terms, or by fair inference from the arguments and statements which they have advanced. The right hon. gent. opposite, who spoke on a former night (Mr. Ponsonby) has pursued what appears to me a most extraordinary line of argument. He has held out a menace, to alarm us with the apprehension that Ireland will be lost, if the petition of the Roman Catholics is not complied with. Such a representation of the wavering and precarious loyalty and patriotism of his countrymen I should have heard with astonishment and regret from any one, but particularly from one who has had such ample means of knowing their character and disposition, and to whose authority so much weight is on every account due.

This right hon. gent. will, I hope, excuse me if I should still hesitate, even upon his authority, to believe the allegiance of the Roman Catholics of Ireland to stand upon so slender a foundation. But if it were so; if all that has hitherto been done for them can be forgotten; if, after having been delivered from every penalty and restraint, and admitted to the full enjoyment of all the rights of person and property, and to the unmolested exercise of their religion, with every other blessing in common with the rest of his Majesty's subjects, by which means they are admitted to be daily increasing in commerce, population, and wealth, they are still ready to cast off their allegiance, and submit to a foreign yoke, because, they cannot succeed in their petitions for a further portion of political power, upon terms different from those on which it is granted to any other subjects of the united empire: if, I say, such were really the temper and feelings of the Roman Catholics of Ireland, the only effect upon the present question would be, to produce a greater degree of caution in arming them with additional authority and power.—With the right hon. gent., however, the effect is directly the contrary.—With a singular degree of inconsistency, he is for abandoning the precautions and conditions recommended by his political friends, and proceeding to the whole of the petitions, without any previous or concomitant terms whatsoever, trusting entirely to the chance of what the Roman Catholics may afterwards voluntarily choose to establish in the way of arrangement to guard against the evils of a foreign influence, which the right hon. gent. himself concurred in proposing to obviate in a former year by means of the Veto.—So that the right hon. gent. recommends it as a measure of political wisdom and prudence, to make an immediate, irrevocable, and unconditional grant of all the power and authority required by the Catholics, whom he at the same time represents to be actuated by a spirit of zeal so infuriated as to supersede every civil obligation and duty, and with a blindfold confidence to trust that they who will not beforehand, to attain their favourite object, consent to the smallest sacrifice, will, when they have gratuitously obtained all they require, voluntarily adopt every sacrifice, and consent to every arrangement, however adverse to their feelings, habits, and opinions, which the protection of the Protestant establishment and the union and safety of the empire may require.—This we are told the generosity of the Irish people will induce them to effectuate, provided you will place confidence and trust in them. (Loud cries of hear! hear! from general Mathews.) I can assure the hon. general that I have no intention or inclination to call in question the generosity of any of my fellow-countrymen in Ireland. I believe them to be a high-spirited and generous people;—I have already expressed my disbelief of the character given of them, or rather of the designs imputed to them by the right hon. gent., whose reasoning I am controverting. But personal confidence is not a ground to act upon towards great bodies of men in matters of great national importance, upon which the happiness, concord, and safety of the united empire permanently depend.—We cannot be justified in relinquishing the ordinary means of precaution which common experience and policy dictate, and with which the line of conduct recommended to the House by the right hon. gent. is directly at variance.

But what are the reasons assigned by the right hon. gent. for making an exception to that general line of conduct in this particular case, and how does it happen that he is in particular the adviser of such a measure, in opposition to those with whom he generally acts?—Have any circumstances taken place to justify such extraordinary confidence on this subject? Has the right hon. gent. become an advocate for it from any recent experience of his own?—Has he discovered, that on this subject men may be peculiarly trusted even without any positive compact, from the sincerity and good faith which they have been uniformly found to observe in all their communications respecting it?—Has not the direct contrary most lamentably and disgracefully appeared?—Has not the right hon. gent. been on this subject the dupe of this confidence?—Have not his own honour and veracity been called in question by it?—What was the degrading narrative, which occupied a great part of the speech in which this confidence is recommended to us?—A series of the most shameful and barefaced duplicity and falsehood, practised on the right hon. gent. and some of his friends by the deputed agent of the class of persons to whom we are to give this novel and extraordinary confidence, described by the right hon. gent. in luminous and forcible terms, equally to the entire and satisfactory vindication of his own honour and good faith, most unjustly and scandalously aspersed, and to the shame and confusion of those with whom he had to communicate.—Yet was Dr. Milner a man standing high in character and rank amongst the Catholics, and on that account selected as their agent. Yet was he dignified with the appointment of a Catholic Bishop *in partibus*, and of Vicar Apostolic by the See of Rome, and as the delegate of the Catholics, was placed in a situation of peculiar responsibility and trust. Notwithstanding all this, how was every honourable tie and principle disregarded and broken! When this Reverend Doctor authorised the right hon. gent. and others to tender the proposition of a Veto, it is probable that he was himself deceived into a belief that it would be ratified and approved by the Catholic Hierarchy and a great majority of the Roman Catholics in Ireland; for I cannot suppose he had the baseness, with a different impression, to hold it out solely for purposes of deception.—But when he found the Catholic voice in Ireland loud and general against this innovation in their Church, he endeavoured to shrink from this responsibility himself, and place it with the right hon. gent. and those who had been deceived by a reliance on his representations.—Is it possible to state a stronger instance, to shew the folly and danger of personal confidence in matters of this nature?—Repeated asseverations, and even written engagements, are found to have no binding obligation or weight. Distinctions are made between a solemn and a serious promise—and even the most grave and venerable characters do not scruple to fly from their words, and falsify their most deliberate declarations. It is not a matter in which any man or set of men, if he or they could permanently answer for their own opinions, can answer for those even of the present, much less for all succeeding generations. The Roman Catholics of Ireland are not (as lord Grenville has truly observed) a corporate body.—They speak through no common organ. Their various wishes and interests, like those of their fellow subjects, can be collected only from general information; and any opinions erroneously attributed to them, they, like all other persons, are fully entitled to disclaim. The binding obligation of a positive law, and a solemn test to be taken by each individual, must be resorted to for the purpose of giving a solid and permanent security for the observance of any arrangements which the tranquillity and safety of the empire require.—So far from its being a case in which any exception can, with any degree of prudence, be admitted to the ordinary course of proceeding in matters of state of great magnitude and importance, this is of all others one in which nothing should be left to future chance or uncertainty. If any facts or arguments were wanting to prove so plain and self-evident a proposition, they have been amply supplied, as I have shewn by the right hon. gent. himself.

But even if confidence could be received as a justifiable rule of action in a measure of great national concern, and if, after what has passed, it could be so in directing the conduct to be observed by Parliament towards the Roman Catholics of Ireland, still it is now wholly precluded by their own express, deliberate, and public declarations, not to accede to any the slightest of the terms which have been proposed. They will not consent to any change in their ecclesiastical appointments;—they speak of their connection with the Pope in terms that preclude any the least chance of their being at present disposed to relinquish it. It is declared a land mark of the Catholic discipline and ecclesiastical peace.—It is matter of the highest and most sacred religious duty, which it would be schismatical and impious in them voluntarily to consent to violate, and to abrogate which by law would be, they declare, a manifest oppression of conscience. Their resolution is fixed and unalterable. They have publicly pledged themselves to the firm and unshaken observance of it, and nothing will induce them to depart from it.—Yet under these circumstances the right hon. gent. recommends his blindfold confidence,—a confidence that is, that the Roman Catholics of Ireland, like their agent Dr. Milner, will at once retract and unsay all their declarations and most solemn promises, and act in direct opposition to them.—This is the wise and prudent line of conduct prescribed to us by the right hon. gent. But what is the measure which the right hon. gent. advises parliament to adopt upon this wild experiment of confidence? A measure still more wild and extravagant, if possible, than the principle on which it is founded.—Trust, says he, to the generosity of the Roman Catholics of Ireland, and give them all they ask.—This is the only plan by which the harmony and concord, the union and safety of the empire can be effectuated. Was there ever any thing so indefinite, wild and extravagant?—All that the Roman Catholics of Ireland ask. Can any one define what that is, or to what extent it goes? They will be satisfied, it is said, to be admitted to all the same privileges, and put on the same footing in all respects as the rest of his Majesty's subjects. (Hear! hear! from the opposite side.) I shall hereafter consider whether this is the extent of what the Roman Catholics of Ireland ask. But if it were, do the gentlemen who appear to sanction this claim by their cheers, consider what is the nature and extent of it, and what must be done to satisfy it in the extended sense in which it is made?—Immunity from all penalties and restraints they have already acquired; access to some of the franchises and power of the state has also been given; and the rest are open on the same terms as they are granted or acquired by any other subject. To grant a full participation of political power to those who refuse to acknowledge the *plenum dominum*, the entire sovereignty of the state, would be contrary to the policy and practice of all ages and nations: nor would this place them on the same, but on a different and a better footing than the rest of his Majesty's subjects. But how is this claim to be complied with in respect to the religious establishment of the country?—Is there to be no longer any preference or distinction in favour of the Protestant church in Ireland?—Is the Roman Catholic hierarchy to be immediately put on the same footing? to have the same episcopal and other dignities, with precisely the same rank and dignity, the same emoluments and rights, the same power, privileges, and authority? Are the tithes of Roman Catholics to be withdrawn from the Protestant and transferred to the support of the Roman Catholic church? And are the two rival establishments to be formed in Ireland in all respects on the same footing? If they are not, if all these things and more are not done, the Roman Catholics will still say they are not entirely placed on the same footing as the rest of his Majesty's subjects; and if they are, would these be the arrangements which are considered by lord Grenville to be necessary to make "due provision for the inviolable maintainance of the religious and civil establishments of this United Kingdom, to provide for mutual conciliation and common safety, by which contending interests are to be reconciled, jealousies allayed, and many long cherished and mutually destructive prejudices are to be eradicated; by which, in short, the mutual good-will of all our fellow-subjects, Protestants as well as Roman Catholics, and the union of the empire, in affection as well as in government, are to be effectuated?" That such innovations must be productive of effects directly the contrary, is too evident to require any further discussion. New and augmented sources, therefore, of civil discord, discontent, and danger to the state, will not fail to be created by a new parliamentary grant on this head, whether it fall short of what is required, and introduce new restrictions and qualifications, or whether it goes the full length of erecting an absolute, unqualified, and universal equality of jurisdiction, emolument, and power.

But if it were possible to overcome all the difficulties on this head, as it certainly is not, at least at this time, does the right hon. gentleman suppose that his object would then be fully attained, that parliament would have granted to the Roman Catholics of Ireland all that they ask, and that they will rest contented with this boon?—Has not this fallacious hope been always held out upon every successive claim made by the Roman Catholics of Ireland? Was it not always predicted that every petition was to be the last, and if granted, the grievances of Ireland were to be no more heard of? And yet has not every grant of indulgence been immediately followed with fresh demands and increased importunity? What security have we that the same would not be the case now?

Here again we are not left merely to conjecture. The explicit declarations of the Roman Catholics themselves put the matter out of all doubt. They do not pretend thus to circumscribe and limit their demands; they have much larger and more extended views.—They have been publicly announced by one of their own body, who is said to speak the sentiments and to possess the confidence of a considerable number of the Catholic body, in the publication on the subject of the Veto, to which I have before alluded. Quoting from the letter of lord Grenville the following sentence, "Vain indeed would be the hope of reconciling Ireland solely by the repeal of a few remaining disqualifications of the Catholics," the author adds, "Here lord Grenville speaks truly to the point, for they are in fact rather an affront than an injury. Emancipation, if an isolated measure, must be undesirable both to England and Ireland."—In another passage he says, "To satisfy the people of Ireland, there must be means adopted which the poor man will feel in his cabin; there must be a change, not merely of men, but of the total system of government."—He afterwards explains his meaning more in detail. "Depend upon it you will only tamper with the tranquillity of Ireland, if you go on discussing your extensive and complicated arrangements. You had better turn your mind to arrangements at once extensive and simple. It is time to lay the axe to the root of the evil. If you sincerely feel that love of England, and that loyalty to your King, you are so forward to profess; if, in a word, your purpose be to save Ireland to the empire,—let her experience an eternal divorce between religion and politics, including the abolition of tythes, and the suppression of every species of public plunder upon pious pretences. Let her see her corporate bodies, including the universities, annulled; for they are all organized accomplices of old errors, and of old vices, against every moral, political, or physical improvement. Let her peasantry be freed from the pressure of rack-rent, not by inoperative statutes, but by bringing into market fewer bidders for more arable land, by discouraging her grazing, and by encouraging her domestic manufactures. Let the progressive accumulation of her taxes be terminated. Their amount, indeed, must remain enormous, to pay the interest of her debt; for alas! the money is squandered. But if the series of robbery, from the tax-gatherer to the exchequer both inclusive, were guarded against, and if the immense misapplied revenues of the intrusive church, and of the corporate bodies, were resumed by the nation, Ireland might wage a war which would last till the end of the world." I am far from supposing these extravagant sentiments generally to be entertained by the Roman Catholics in Ireland; but if such ideas at all prevail in the country, it is in vain to look for tranquillity and content from any grants which it is in the power of parliament to make.—The cry of grievances unredressed will never cease to be loud and frequent by turbulent and restless spirits, so long as the Protestant establishment continues to be maintained, and the union between England and Ireland to be preserved.

The right hon. gent. will, therefore, I am sure, upon cool reflection, be convinced how utterly impossible it would be, by pursuing his plan of unconditionally and irrevokably granting to the Roman Catholics all that they ask, to attain the objects which I know he has in view, viz. the peace and happiness of Ireland, the harmony of the United Kingdom, or the safety and stability of the empire.

But if the right hon. gent. can still entertain these visionary and delusive hopes, I beg to ask, whether he has carried his ideas forward to what he must at least admit there is considerable danger may be the case, the event being different, whether he is prepared to point out what is to be done, if after putting to so desperate a risk a stake of such transcendant importance, if after parliament shall have, as the right hon. gent. recommends, absolutely and unconditionally granted to the Roman Catholics all that they ask for, if after vesting them with the full participation of authority and power ecclesiastical and civil, military and political, throughout all the functions and departments of the state, trusting entirely to their subsequent generosity spontaneously to adopt the arrangements deemed necessary to prevent the fatal consequences to the church and state from such a grant, the Roman Catholics should notwithstanding still persevere in their present determination to admit of no change in their ecclesiastical discipline or appointments, and should still, with the same devoted earnestness and zeal, continue to recognize the plenitude of the papal supremacy, the controlling influence and authority, the *altum Dominium* of the holy see, as a fixed and inviolable article of the Catholic faith, admitting of no alteration or abatement, even though Cardinal Fesche, or any other instrument of the emperor of France should be invested with that character, what, I ask, would the right hon. gent. propose should be done to protect the united empire from the alarming danger, to which even the most zealous advocates for the augmentation of the Catholic power, have, as I have shewn, admitted both the church and state would in such a state of things be infallibly exposed? Would the right hon. gent. be content to leave the empire exposed to all that danger without even then resorting to any measure of security?—If not, what would that measure be? and which of the only alternatives that would then be left to us would he recommend to be adopted? Would he propose that parliament should resume the grant so improvidently made, and restore things to the state in which they were when this rash experiment was made; or would he by a new infliction of legislative penalties and restraints enforce the observance of the arrangements deemed necessary for the public safety? In either case the right hon. gent. must be sensible at how great a distance he would place the attainment of any of the great national objects which he has in view, the happiness, the tranquillity, or the safety of the United Empire? It cannot be necessary to dwell longer on the bad policy and mischief, in every point of view, of the right hon. gent.'s proposition. I have already detained the House too long in the exposal of it. The right hon. gent must, I presume, have been induced to resort to it, not as in itself an advisable measure, but because if something must be done towards the Roman Catholics of Ireland, this is an experiment, the only one which in their present temper and disposition could be tried after the language and conduct which they had held respecting the proposal of the Veto: after the angry and vehement resistance given to that most temperate, though in my judgment, most inadequate and feeble measure of precaution, notwithstanding the quarter in which it originated, and by which it was recommended and enforced, after the feelings and sentiments manifested by the Roman Catholics throughout Ireland on the subject, which the right hon. mover of the present question feels in common with the warmest of their advocates, to be an indispensable condition of any further communication of political franchises or power, I mean the Papal Supremacy, after their proclaimed determination, as a matter of the highest religious obligation, not to allow of the slightest degree of abatement of that foreign influence and dominion, the whole of which must, it is admitted, be absolutely and completely renounced, before it can be reconcileable to any principle of policy or justice to make any further grants to them, any conditional arrangements with the approbation and consent of the Roman Catholics,' the right hon. gent. must have been sensible had been removed to an immeasurable distance. The doctrine which it is now made manifest, continues to be maintained respecting the Pope, forms alone, even if every other point could be adjusted, in the judgment of the most strenuous advocates for encrease of Catholic power, an insuperable obstacle and bar to any such measure.—The time is not yet come, when the Roman Catholics of Ireland can bring themselves to cast off a foreign yoke, to cease to recognize the controul of a foreign power over their minds and consciences, to maintain a complete and unqualified, instead of a partial and divided, allegiance to the state, and to be no longer the temporal subjects of one sovereign, and the ecclesiastical subjects of another, with considerable danger too of a predominant preference to their spiritual head whenever the two interests should happen to clash.—To effectuate this must be a work of time, aided by the diffusion of knowledge, and deliverance from ancient prejudices and intellectual bondage.—Without anticipating any question which may hereafter arise, whether any future change of circumstances may render it politic and expedient to augment the political power of the Roman Catholics, or as to what the change must be to warrant such a measure, it is sufficient for our present purpose that such a state of things does not now exist, and consequently that nothing now can be done.—And if it cannot, to what purpose is it to refer the petitions to a Committee? What is the benefit to be derived from such a measure? Is it a Catholic question, a subject upon which it is necessary to procure additional information? The right hon. gent. who opened the debate on the first day, in the commencement of his speech, complained that the subject was worn out and exhausted by the repeated discussion of it, and that he was unable to throw any new light upon it. And if he was not able, with all the long and anxious attention he has bestowed upon it, and the best means of being fully acquainted with it in all its bearings, what prospect is there of any useful information being derived from any other quarter? Surely if the subject was exhausted at the time when this declaration was made, it must now be much more so, after the long and able speech of the right hon. gent., and those which have since occupied the time of the House during a lengthened debate of three whole days.—Will the discussion be continued to more profit or advantage, when carried on in the same assembly, composed of the same members, by our being formed into a committee, you, Sir, being removed out of that chair, and another member presiding in one below? I am sensible, Sir, that I have myself very unprofitably added to the tedium of this debate, and am still trespassing too long on the reluctant patience of the House. But surely those who have manifested so much impatience at the useless protraction of the debate, will not urge the necessity of it as a reason for going into a Committee.—We have certainly talked enough on the subject, and the only result has been to satisfy us that nothing can be done.—Is there then any other object to be attained by complying with the motion? We are told that it is necessary for the purpose of conciliation, to testify a disposition on our part to enter into a treaty, if a similar disposition is shewn on the part of the Roman Catholics. But here again the argument is most unfortunate, and the effect certain to be the opposite of what is proposed.—For how is conciliation to be produced by entering upon a treaty with a previous certainty that no practical measure can be the result of it? Will it not rather tend to exasperate and provoke than conciliate, to excite expectations and hopes, which are sure to terminate in disappointment? Will not the Roman Catholics have just ground to complain of their being trifled with, and their feelings insulted by so disingenuous and delusive a proceeding? We did not conceal, they will say, what were our fixed and unalterable resolutions. They were done and repeatedly published in the most open manner, and in the most explicit terms.—If they afforded an insuperable bar to a compliance with our petition, why did not you at once tell us so? With a full knowledge of our determined purpose, you still resolved to entertain and consider our petition, and thereby encouraged us to believe that you were in earnest, and sincere in your intentions to afford some practical measure of relief, yet you now tell us, that at the very time of this resolution you know this to be impossible. What an unprofitable waste of time then was it, and what mockery and insult towards us, to engage in so idle and nugatory a proceeding?—That such a measure must give rise to feelings and reflections of this kind, is, I think, inevitable, how it can operate to produce conciliation I am at a loss to conceive.—In the full conviction, therefore, that it can lead to no practical good, but to much litigation and mischief, I shall give the motion my decided negative.

Sir, I will trouble the House no longer. —I have endeavoured to confine myself to the narrow view of this question, which I at first proposed.—Many gentlemen will be disposed to oppose the motion upon more general grounds, and upon a decided opinion of the inexpediency under any circumstances of adding to the political power of the Roman Catholics in Ireland. In avoiding to discuss that opinion on the present occasion, it will not, I hope, be inferred, that I mean either to affirm or to negative it. I have chosen to avoid any disputable ground, and to meet the supporters of the present question upon their own arguments, assuming, for the sake of the argument, the general question to be with them.—I have still endeavoured to shew that in the present state of things it is impossible for these gentlemen, and particularly for the right hon. gent. who has moved the question, consistently with their own principles, to maintain it, or to shew any practical good that can result from it. I cannot hope to be able to carry any of those gentlemen with me in the opposition to the motion, but I trust they will do me the justice to admit, that the grounds on which I have rested my opposition, feeble and imperfect as they may appear to be, cannot yet be fairly attributed to any principle of bigotry or intolerance.—They are derived from those who profess themselves most inimical to that principle, and upon their authority, as well as the plain reasons and merits of the question, I oppose the reference of the petitions to a Committee.

Mr. *C. Smith.*—Sir, I am conscious that apology is due to the House for rising at this late hour to occupy more of its attention. But, Sir, I think this question concerns the whole empire, and not Ireland alone. I proposed to myself the honour of stating my sentiments at length upon this important subject; but at this period of the debate, tired and exhausted as gentlemen seem to be, I shall merely confine myself to a few words, and content myself with the consciousness, that the vote I shall give was not *sub silentio.*—I concur most fully in every word spoken by the hon. gent. who seconded this motion. He, Sir, has chosen a ground of argument, which must be as convincing to all men's minds, as it is simple and unshackled by any other local consideration. The broad principle of toleration is that upon which this question ought to be set at rest. That hon. gent. has already descanted with so much ability upon the happy influence universal toleration has upon the nations of the world, that I shall not incur the imputation of temerity, by endeavouring to follow him upon that topic. I fully concur in every word he has said upon it, and I shall only crave permission of the House to add a very few words. Sir, I wish the House to consider seriously the effect of the system of toleration that has been established in England. We have heard of no relaxation of morals; we have heard of no dangerous conspiracies—none of those dreadful consequences which invaribly follow a persecuted nation; but on the contrary, I will maintain, that in proportion as the principles of toleration have obtained, in that proportion peace, tranquillity, and learning have prevailed.

Lord *George Grenville.* Sir, I will not obtrude myself upon the attention of the House but for a single moment. Having come into the House this evening with a determination not to say one word, I should not now have broken that resolution, but hearing the name of a revered and noble relation of mine (lord Grenville) alluded to, and especially by the hon. and learned gent. opposite (Solicitor General) who has particularly dwelt on a passage of that noble lord's pamphlet, I feel myself called upon to set him right upon a point on which he seems to have a good deal of difficulty. I have only to recommend the learned and hon. gent., before he forms a conclusive opinion upon the subject, that he will read the two last pages of the pamphlet.

Mr. *Peter Moore* said, that he had come to the House with intention to enter at some length into the merits of this singularly important question; but at this advanced hour of the morning, the House naturally exhausted, and very impatient for a decision, he should most readily spare them, and spare himself; and the more especially, as he was himself very anxious to hear his right hon. friend Mr. Grattan in reply. Under this declaration, he hoped and trusted the House would have the goodness to hear him on one or two points, as concisely as the nature of them would possibly admit.—Mr. Moore said, in the 19th century he should be ashamed to view this in any other light than as a question of national strength, wholly divested of every other influence or consideration, on the principles which he should hereafter state. In this light he was, first, to consider the nature and character of the strength which he was anxious to add to the empire; and this he should concisely do, by implicitly subscribing to the full extent of the words and the spirit of the declaration of the hon. and learned gent. (the Solicitor General), that he readily admitted the loyalty, integrity, and fidelity of the Catholic subjects of the empire; to which he (Mr. Moore) should as concisely add, that they had lately testified to the world that their principles and conduct were superior to suspicion, and that thus feeling, to manifest our sense of their inestimable value, in a conquest over our own ignorance, weakness, passions, and prejudices, as the gospel we profess in common with them has enjoined, would be the most brilliant and the most valuable conquest, in a national sense of acquisition, which the consolidated wisdom and faculties of the whole empire of Great Britain could command, had ever achieved.—It was in this light (Mr. Moore said) he considered the acquisition of the Catholic subjects as an acquisition of national strength, in calling four millions of them to the support of the empire, and the maintenance of the constitution, in the security of which they had as great an interest, and took as much pride as any class of his majesty's subjects whatever. In proof thereof, the hon. member proceeded to adduce what he considered as the greatest possible test which human nature could exhibit, of their loyalty and attachment to the constitution, to the throne, and to all the institutions of the empire, which the Catholic subjects had most singularly and conspicuously manifested by their late conduct in the Union of Ireland with England in one legislature, in these concise but most impressive terms:—that whereas the political interests of the Protestants of Ireland, as proved by the records on the table of this House, had been stipulated for and procured by large compensations in money, and thus, as he felt, most corruptly paid for, in order, and, indeed, as the only means of obtaining their assent to the Union, while the Catholics, without whose assent, it is avowedly and unanimously acknowledged, the measure of Union could not have been carried, superior to all such undue influence, had spontaneously acceded to the wishes of the throne and the government of England, in the humble expectation only, confessedly held out by its ministers for the general welfare of the state, that they should thenceforward be exonerated from all penal statutes inflicting disabilities, the repeal of which would admit them to that honourable participation of the constitution, of which they had so long been unwisely as well as unjustly deprived, and to which every subject of the empire, taking the oath of allegiance, submitting to the laws of the state and contributing to its support, is, in the hon. member's opinion, entitled as a right. Mr. Moor submitted, that if after this almost unexampled instance of self-denial and sacrifice on the part of the Catholic body, so peculiarly characteristic of their principles and integrity, which had not been attempted to be controverted, the Protestant part of the nation could continue to entertain a doubt of their loyalty, integrity, and disinterestedness, and of the great value of their strength being added to the empire, he should be inclined to suppect that they were prepared to scorn all principle, and to trample inscrupulously on all virtue. This, Mr. Moore said, was the first point on which he was desirous of offering his sentiments to the House. He should now shortly advert to what a noble viscount opposite had offered early in the debate, which he thought of too great consequence not to be removed; and the more so, as it seemed to have been so accepted and cheered by the ministerial side of the

House. The noble viscount had been pleased to give it as his opinion, that the influence of the Catholic hierarchy over the minds of the people was uncommonly great and of vast extent, and therefore, to be apprehended as formidable to the state; and the more so, as we were so wholly ignorant of the system of management of the Catholic hierarchy, as to be left in a condition of difficulty, which precluded all middle way, or to that effect, (lord Castlereagh bowed assent to the general substance of this position.)—Now, said Mr. Moore, I do on the contrary most unreservedly contend that a full, extensive, and powerful influence of all classes of the clergy over their flocks, is and ever has been, the great fundamental principle, object, and end of every ecclesiastical institution, and the first object and duty of the clergy in all states throughout the civilized world; and if the impatience and unsettled state of the House would allow him, he was ready to support his allegations by the authorities of the most ancient, of the best and most approved writers on religious subjects; and especially, on the very enlightened and more applicable subject of alliance between church and state which is formed on general compact, "that the state shall give the church its fullest protection, and the church, in return, shall give the state its utmost influence:" and that if the clergy of the church with whom this compact is made, which, except in Ireland, is with the strongest, as having the greatest number to influence in obedience and submission to the civil state, should lose their influence, the alliance, *ipso facto*, is dissolved, inasmuch as "religion is established, not to provide for the true faith, but for civil utility."—And, said Mr. Moore, with regard to the difficulty in which the House and the country were left as to a middle way of decision, as it has been termed, if there was a difficulty, it was entirely owing to the neglect of ministers exercising the executive trust in both countries, whose special duty commanded that they should at all times consult, promote, and protect the peace of the church, in all its establishments, for the advantage and utility of the civil state.—Following up this opinion, the hon. member adverted to the unhappy, decrepid, and almost nugatory condition of the establishments of the Protestant church in Ireland, as exhibited to the House in a folio volume in 1807: an establishment which, though little more than nominal, the great body of the people of Ireland could not, religiously and conscientiously, help receiving and viewing as an heretical imposition on their faith; and the hon. member repeated, that he could not help declaring as he felt, from an attentive consideration of this report of 1807, that the governments of both countries had for so long a series of time, shamefully abandoned this most sacred duty, and one of the first objects of the general trust of the powers and authorities of the state.—Mr. Moore lamented exceedingly the impatience of the House, for which he could naturally account by his own fatigue of long attendance: that he could not enlarge on a subject of so much real importance to the strength, security, and prosperity of the empire; a subject which he contended, and had to evince, had never yet been argued on the true grounds and principles which peculiarly belonged to it, and were exclusively its own; but, as he had said he would be as concise as possible, he should perhaps take some other opportunity of promulgating his sentiments more at large; now unequivocally declaring, that he thought the applications made by our Catholic brethren of the empire, to partake of and to support our constitution, as he contended was their undoubted right, the greatest honour and compliment they could offer to the House, to the nation, and to the world; and he hoped they would unremittingly persevere until they succeeded.—He should most cheerfully support the motion of his right hon. friend for going into a committee.

Mr. *Grattan* observed, in reply, that the hon. member (the Solicitor General), had furnished in favour of appointing a committee, an argument the most decisive. He had totally and entirely misapprehended the resolutions of the Catholics, and in consequence of that misapprehension, had declared that no arrangement could take place—so that the two parties, the Protestants and Catholics, were to remain in a state of eternal separation. The mischief of such a supposition is too evident to require explanation, and the grounds for it too futile to require long discussion, but are a very strong and very powerful argument for a Committee to consider these documents, on which a mistake so pernicious has been founded.

I have in my hand the resolution of the Catholic bishops, in which they declare they are ready to yield, for the security of the state, every thing which does not affect the rights or integrity of their church. Here is a ground for arrangement, and an argument for a Committee; but one of the hon. member's ideas, if generally adopted, would indeed render it vain and useless to proceed to a Committee, because he says that there cannot be, and that there is not an instance of a full communication of privilege, where there is not in the body so possessed, an acknowledgment of the *plenum dominum* of the crown. No Catholic country does make such acknowledgments. Your Catholic ancestors, who obtained the Great Charter—they who so many times confirmed that charter—made no such acknowledgment. They all acknowledged the spiritual power of the pope.

The hon. member who preceded him, denies that the frequent disturbances that have taken place in Ireland, have arisen from the penal laws. Certainly tithe, as he himself acknowledges, has been a more operative cause. But I beg to observe, that whatever outrages the Irish have committed, are greatly exaggerated, and that one reason why some of the Irish have not always been so attached to the law is, that the law has not been attached to the Irish. The laws have been enemies to their religion and their rights, and therefore they have not been friends to the laws.

The hon. gent. thinks, that the rights in question are no great object to the Catholic body: I differ from him. The withholding those rights degrades the whole Catholic community, and subjects the peasantry to insult and oppression.—The right hon. gent. ask me whether I agree, on this subject, with lord Grenville and lord Lansdowne?—In return I ask him, whether he agrees with them, or whether he agrees with his friend on his right side, and his friend on his left? and whether, agreeing with lord Grenville, he means to vote against him; and dissenting from his friends, he means to vote with them?

With regard to a former administration to which he has alluded, I can only say, that I do not subscribe to his charge. That administration gave up the military Catholic bill, because they could not carry it; and they resigned their offices, because they would not resign their principles—a crime in which they will not have many imitators. The Viceroy of Ireland at that time seemed to me to have acted an honourable and an honest part; I am glad his qualities are not to die with him, but promise to survive in the instance we have just heard of the noble marquis, who, good by inheritance, asserts the noble nature of his race, and promises to his country a succession of virtue.

I shall divide the opponents to the motion into two classes, those against the time, and those against the principle; but of the latter class there are scarcely any—so that the principle is generally acceded to. The Roman Catholic religion is then acquitted; it is then allowed there is nothing either in the composition of the Irish or of their religion, that bar their capacitation—the only thing desired is, security against dangerous influence in the nomination of their clergy, and the security so required, gentlemen have declared should not go to an influence to be possessed by our government in that nomination, but to a precaution against the nomination by a foreign power. But this precaution the resolution of the Catholic bishops bespeaks—they declare they are ready to give you every security which is consistent with the integrity of their church and their religion. What becomes now of the argument which says, the parties cannot agree—or the abuse heaped on the Catholic body, more especially on the Catholics of Ireland?

An hon. gent. has asked, whether in the committee I meant to propose the *veto?*—I would, in the committee, make our propositions to the Catholics, and impose nothing on them that was not perfectly agreeable to them. I have no doubt of their spirit of accommodation to every thing which is necessary for our security; but if we do not go into a committee, neither parties can make any proposition, and therefore I should suggest to the member, who put a question to me that his instructions are for a committee; for without a committee no part of them whatever can be fulfilled.

Mr. Grattan took notice here of the injustice committed by those who charged the friends of Catholic emancipation with a design to subvert the Catholic clergy. What view could they have in taking such a part?—What! to conspire against their widowed and unendowed condition, in order to rob them of their no power—and their no magnificence. He then adverted to the argument which objected to the time, and said, he apprehended that the consent of the Pope would be necessary to any arrangement—that the Pope was now our friend, but if we delayed until there should be a French pope, we should find a new embarrassment. Had the Catholic question been carried in 1801, or in 1805, or in 1808, there would have been no embarrassment on that head. The gentlemen who say, that had you gone into a committee in 1808, you could not have obtained the *veto* at that time, speak without authority, and without information. The difficulty arises from the delay; and from a continuation of delay, a further difficulty, a difficulty for instance with regard to the nomination, may arise: so that a greater embarrassment would be found to justify the postponement of the question, than to support the present motion.

In adverting to that class who opposed the motion on the principle, he observed that a right hon. gent. had said, he did not think the Catholics would, in consequence of civil franchises, be satisfied, but that they would ambition the establishment of their own church, and the overthrow of ours. He founds this objection on imputed character. What evidence of this character? Bishops—Protestant bishops, are held to be tenacious of power, shall we disqualify the Protestant bishops therefore? Presbyterians are held to entertain republican tendencies—unjust, I think, the surmise—but shall we disqualify the presbyterians? Will you receive such evidence to disqualify a great proportion of your people, and, when the right hon. gent. who comes forth on this subject, is evidence, against a people with whom he is not acquainted. Had he been in Ireland, and witnessed the spare habits of the Catholic clergy and their exemplary frugality, or had he recollected that this very clergy, whose love of magnificence alarms us, have receded from the suggestions of salary, he would not have trembled at their passion for magnificence. But they will learn the lesson, we are told, from the growth of power; and this prophecy is to be received as evidence against the civil rights of a great community—a prophecy tendered by a person to whom that community is unknown. He asked whether any community would be satisfied with half privileges? the Catholics, in 1793, were dissatisfied with bad government and half privileges. He observed, that though the right hon. gent. would not agree to give more to the Catholics, yet he hoped he would agree that they should enjoy what they had, fully and freely, and therefore should, in the naval and military service, have the free exercise of their religion; he would therefore hope, that no officer should obstruct them. How monstrous and prophane would it be in any officer to do so; as if religion was like the manual, or the Prussian exercise—a military manœuvre, to be done on the principle of uniformity, in which the soldier's God and conscience were perfectly unconnected. If such obstruction should take place, I make no doubt that ministers will interfere; and if they should not, that parliament will. This appears a subject the more important, if we consider the numbers of Catholic seamen and soldiers. The Irish militia, some regiments of the line, the Irish yeomanry, and the sailors of some ships of the line, are wholly or in a great proportion Catholics. This the recruiting serjeant procures for you, without knowledge either of divinity or politics: that great practical statesman, and that profound practical divine, proceeds without book, and with his fife and drum fills your ranks and your ships with Catholics; he goes on the principle that *sapientia prima stultitia caruisse.* By *stultitia* I do not mean folly; I mean the wisdom of this right hon. gent., the divinity of that right hon. gent., and their great controversial abilities.

In adverting to the argument of the able civilian who opposed the motion, he observed, that the right honourable member had remarked that religion must be controlled by law. In answer to which he begged to say, that the religious sentiment was not a subject for legal control, and the reason was because we could not; human legislatures could not make laws for heaven—no more for the truths of religion than for principles of motion. An act of parliament with regard to the square of the hypothenuse, or with regard to the eucharist, would be equally out of the region of the legislature, but if to preserve religious opinions an establishment should be made, and that establishment connected with a foreign power, such communication would be a proper subject for the state; but even then the consideration should be, whether that communication was political, and if the communication was with the natural enemy of the country, as in the case of the French emperor; should that happen, then the state would naturally consider such communication, though professedly spiritual, in fact, and in effect, political, and would naturally wish to make an arrangement which should guard the kingdom from such an influence. The right hon. gent says, it is impossible to do so—domestic nomination, he specifically says, is impossible. How we do try Catholic allegiance! sometimes we say no Catholic, no true Catholic, can bear true allegiance to a Protestant king; then we say, no true Catholic can submit to domestic nomination, but rather must suffer nomination of their bishops to be made by France. Thus we give Protestant authority for Catholic rebellion; but I must observe, that such cannot be the principles of any divine religion: there cannot be any divine religion that compels the subject to submit to the enemy of his country: and if any professor shall say so, I ask that professor, has there been a revolution in heaven, that he shall come to preach diabolical doctrines, as if God Almighty had abdicated, and Lucifer was on his throne. We know the world to be his work, and if any man contradicts his dispensations here, either by misrepresenting the laws of motion or of morals, we know such a preacher belies the Almighty to damn his fellow creatures. But the present question is not left to surmise: the fact is, that the nomination of Catholic is, almost universally, in considerable countries, domestic—the institution and the investiture must be in the Pope, but the nomination, with his consent, may be, and generally is domestic. In old France it was domestic—in Austria—in Russia—in Prussia—in England, with regard to Canada, domestic—nay, more, it is now practically domestic in Ireland, the Catholic bishops now in Ireland, nominate. The learned member quotes Doctor Milner as authority against a *veto*, and against domestic nomination. Dr. Milner proposed both—his propositions, read by my right hon. friend, made the nomination domestic, and he proposed, expressly, a domestic nomination in the Irish Catholic bishops, and he calls them nominators. Speaking of Dr. Milner, I beg to say, that I hope the sentiments which I have delivered may not be taken from Dr. Milner's publication. In one of his letters he supposes me to have said that canonical institution was the investiture of a foreign power, with the unqualified and arbitrary right of renomination to a portion of our magistrates; a representation too extravagant to deserve observation. The right hon. gent. having thus supposed domestic nomination impossible, and having considered the *veto* impossible also—corrects the danger—How?—by disqualifying the laity—but as long as you disqualify the laity, you separate them from England. What then is to be our situation, according to the doctrine of the right hon. gent.? A clergy connected with France, and a laity separated from England—You think it better to have French bishops in Ireland, than Irish Catholics in parliament—this is a situation defended on account of its safety; a situation, in fact, of the greatest peril—where the cure aggravates the disorder—where you correct an eventual communication with France, by a separation from England.—To shew the better the nature of such a situation, I shall propose to the gentlemen opposing the motion, to lay before them the map of Europe, and let them be the arbiters of their own argument. There is Ireland, here England, and there France—the object must be to connect the Catholics of Ireland with England, and keep them separate from France. To accomplish this, I shall present to those gentlemen two lines, one of communication, and the other of separation. How will they apply them? will they draw the line of communication between France and Ireland, and of separation between Ireland and Great Britain—ecclesiastical communication between the Irish Catholics and France, and political separation between the Irish Catholics and Great Britain. If they draw the lines in that manner, they give up the empire; and if they do not, they renounce their argument.

Mr. Secretary *Ryder* explained. He never said he entirely coincided with lord Grenville; but that he agreed with him that the veto alone was sufficient to destroy the present claim, without entering upon any other ground.

The gallery then cleared, and a division took place: For Mr. Grattan's motion 109; Against it 213; Majority against the motion 104.

HOUSE OF LORDS.

Tuesday, June 5.

[Cruelty to Animals.] Lord *Erskine* stated that it was his intention to introduce a bill to their lordships, in which he hoped to avoid what was considered by some objectionable in his former bill on this subject. In this bill it was his object to render those offences punishable, which were not so at present under the black act, which had reference only to the animal as the property of its owner: but at the same time to provide that such cruelty must be malicious. The present session being so advanced, he should take an early opportunity, in the ensuing session to bring it before their lordships.

[Safety of the Navy.] Earl *Stanhope* rose to submit a motion to their lordships, which he thought related to a subject of more importance than any set of motions that had been before them for a considerable time past, as it related to that on which the very existence of the nation depended, the British navy. He had some years ago called their attention to this subject, on which he should now speak plainly, as a man of science would speak and not like those who bamboozled people with mysteries, and involved every thing in hard words and terms from the schools. He would make every noble peer understand him. His lordship then adverted to the experiments tried some years back off the French coast, and since then in America by a Mr. Fulton, for the ascertaining of a mischievous and horrid mode of destroying vessels of any size while floating in the water. He went through the history of these terrible inventions, which operated either by a line thrown into the water, which, meeting the ship, gave the opportunity to the machine to cling to the vessel, upon which the destructive explosion of gunpowder took place, which absolutely would cut any vessel in two (the proof of which, had been made some years back in Wolmer roads); or by the immersion of a machine with a trigger, which, when pulled, answered the same purpose; or by throwing an engine for the same purpose on a vessel. This person was invited over here, and his lordship had seen an engagement between him and Mr. Pitt and lord Melville, signed by them, agreeing in certain events to give him 40,000*l.* and so on, to an immense amount. After the failure of a trial at Boulogne, his claim was referred to certain scientific umpires who awarded him 15,000*l.* since that, he had made his experiments in America, where both Jefferson and Madison were present, and had been voted 5,000 dollars. His lordship was led at the present moment particularly to this motion, by a pamphlet he had received from America containing particulars with plates, illustrative of the nature and effects of the invention. He then entered into a very scientific discussion and exposition of the theory of fluids, and the principles on which the machine acted, and stated that there were means in our power to counteract its dreadful effects, some of which he pointed out. There was also another and more ingenious invention for a more difficult object, namely, the cutting off the cables of blockading vessels, when lying off a lee-shore; what he wanted to know, was this: as the subject had been looked on already as so important by great men, and by men of science, what had been done by government in the way of providing a remedy, and to what extent? For the purpose of ascertaining this he had framed a motion which he read; desiring an account of the measures taken to counteract the effect of these submarine carcases and explosions, and of the torpedo triggers, &c.—The question was put, when his lordship demanded a division, on which the numbers were: Non-contents 25; Contents 8; Majority against the motion 17.

[Stamp Duties Bill.] The Earl of Liverpool having moved for the House to go into a Committee on the Stamp Duties bill,

Lord Viscount *Sidmouth* rose to submit to their lordships some observations on the measure then under their consideration.—It would not, he said, be denied, That the amount of our expenditure and the mode of providing for it ought to be regulated by the peculiar nature of the contest, in which we were engaged, which was evidently one of indefinite duration: 2dly, That it was highly desirable to confine the annual loan within such limits, as that it should not exceed the amount of the sum purchased within the year, by the commissioners for the reduction of the public debt; and 3dly, That the instruments of accomplishing that important object were war taxes, and the surplus of the consolidated fund.

The purpose of this bill was to provide the charge for 16,000,000*l.* of which 8,000,000*l.* was the amount of Exchequer bills recently funded, and the remainder, that of the loan for the service of the year. This charge it was proposed to defray out of existing Stamp Duties, of which a part, (nearly half as he understood) was imposed in 1808, and the remainder at former periods, and the whole of which were consolidated by an act of the year 1808.

To one part of this proposition, though open to many observations, he did not mean to object, it appeared that the estimate of the probable amount of the Stamp Duties imposed in 1808 had been erroneous, and that no more was borrowed on their credit in the present year, than might have been added, upon a correct calculation of their produce, to the loan of 1808. It might therefore be not unfairly nor unreasonably argued, that it was justifiable so to apply a surplus of such a description; and that the country ought not to be subjected to additional burthens, particularly under present circumstances, on account of a miscalculation of the Chancellor of the Exchequer.

But to that part of the plan, the intent of which was to derive a large proportion of the means of defraying the interest from duties imposed at former periods, or in other words, from the growing produce of the consolidated fund, he felt the strongest objections, founded upon principles which had never been disputed, and which hitherto had been strictly observed; and upon considerations peculiarly applicable to the present conjuncture.

It was obvious to their lordships that a revenue so complicated as that of this country, could not but be liable to considerable fluctuations, both by diminution, and increase, in the various branches, and subdivisions, of which it was composed.

The embarrassments to the public service, and to public credit, would consequently be frequent and alarming, unless the surplus produce of some duties was allowed to make good the deficiencies of others: It should also be recollected that it was only from the unappropriated part of the revenue that, without throwing additional burthens upon the people, any extraordinary charges could be provided for: Nor should it be forgotten, even under present crcumstances, that it was from this source that the means must be sought, of defraying the expence of a peace establishment. These considerations were by no means unimportant; but the objections which he felt most forcibly, and to which he was particularly desirous of calling the serious attention of their lordships, were those which grew out of the nature of the present contest, and the policy which it evidently demanded, a policy which had been solemnly recognized, and till the preceding session invariably acted upon by parliament.

The advantages arising from it having been experienced, towards the close of the former war, it was determined in 1803 to recur to it on a far more extensive scale. To this determination government and parliament were impelled not merely by an anxiety to protect from formidable depreciation the property of the public creditor, or to give to money transactions the facilities arising from a high state of public credit, but chiefly by that sense of their duty as guardian of the honour and interests of a great and high spirited people which convinced them of the necessity of proving to the aggressor and the world, that the hope of exhausting the resources of this country was vain, and fruitless; and that we were able and prepared to maintain the contest, as long as the causes existed. by which it had been occasioned.

The system resorted to for this purpose was that of providing for the annual expenditure, without any considerable augmentation in the outset, and at no distant period, without any augmentation whatever of the public debt, or of the permanent taxes, and the means for carrying it into effect were war taxes to an unexampled amount, and the surplus of the consolidated fund; this system had not been departed from during the first four years of the present war; and it could be shewn, that the effect of it since the year 1803, had been to prevent an addition of near 300,000,000*l.* to the capital of the funded debt, and of near 12,000,000*l.* to the permanent taxes. A different policy however now prevailed: in the preceding year, a large proportion of the war taxes had been diverted from the service for which they were intended, and applied to the discharge of the interest of the loan; and a similar misapplication was now proposed, of a part of the surplus of the consolidated fund. He was ready to admit that of the two measures, that of the present year was the least exceptionable; as it was not liable to the objection of converting temporary into permanent taxes, with the aggravation too that the temporary taxes, were of a description which afforded no prospect of their continuing to be equally productive during a period of peace. Both however were direct infractions of the system adopted at the renewal of the war; both diminished the income intended to defray the expence of it; and both materially retarded the approach to that point at which the further accumulation of debt, and the necessity of imposing additional taxes would cease;

for he had ever thought, and should ever be prepared to contend that, in justice, and policy, such a necessity was only coinciding with the augmentation of debt; upon the cessation of which the interest of the sum annually redeemed ought to be applied to the discharge of the interest for the loan of each year.

The financial measures of the year 1802 had been referred to elsewhere; but whilst he acknowledged the liberality with which the reference had been made, he wished to correct a mistake, with which he understood it to have been accompanied. It had been imagined, that the produce of the taxes then imposed, greatly exceeded the estimate: This however, was not the fact; it had indeed, greatly exceeded the charge; the amount of the latter having been 3,300,000*l.* and of the former near 5,000,000*l.*; but there had been no miscalculation; on the contrary, he had himself, at the time of proposing these taxes, stated his expectation of an excess of 1,500,000*l.* his object being, as he then said, not only to supply the interest of 97,000,000*l.* of stock created at that period, but to provide a large accession to the consolidated fund, towards defraying the expence of a peace establishment. The application of it to this purpose was unfortunately precluded by the early renewal of hostilities, but upon reasoning precisely similar to that upon which the present measure was defended he might on the credit of that excess (to which near 400,000*l.*, were to be added in consequence of the new arrangement and consolidation of the excise duties,) have contracted in the years, 1803 and 1804 (both years of war) for loans to a large amount without the imposition of any additional taxes. But instead of such a proceeding, he had left this unappropriated excess to be applied to its proper purpose; namely that of co-operating with the war taxes imposed in 1803 and 1804 (the annual produce of which had exceeded 13,000,000*l.*) in confining the loan within narrow limits, and thus approximating to that state of credit and security when the expences of the year might be defrayed without a farther accumulation of debt. The object however, had been unfortunately thrown at a greater distance, by the enormous increase of our expenditure, and by the weak and improvident expedients, as he considered them, of the present, and the preceding year.

He should be asked whether he would recommend the imposition of additional taxes; to which he would fearlessly reply, yes, in preference to such measures as those to which his observations had been applied. But he was not satisfied, that such was the alternative; and that the present income was insufficient to satisfy all the necessary demands of the public service. That considerable retrenchments might be made without any actual diminution of our means of exertion would not, he was convinced, be seriously denied. Let then the experiment be made; let the "magnum vectigal parsimonia" be fairly and instantly resorted to; and the result would be to prove either that further burthens were not necessary, or if proved to be necessary, a disposition would be created to bear them without complaint. The resources of this country were great, its public spirit was high, and would be manifested by a cheerful acquiescence in fresh contributions, if it could be shewn that they were called for by a real exigency; and of a confidence were excited that they would be applied with wisdom and economy, which however would not be the case, unless they tended to re-establish and to carry into effect the system which such measures as that under consideration were calculated to impair and subvert. Much had been said of late of abuses of a flagrant description. He lamented the delusion of some persons, and reprobated the malice of others, which led them to ascribe the pressure of the present moment, chiefly to such a cause. Wherever they were proved to exist, they should be exposed, and the authors of them consigned to punishment, and disgrace. But the dangers against which it was also peculiarly important to guard, were profusion, and negligence, occasioned and encouraged in a great degree by the facility with which the resources of the country had been called forth. It was therefore, necessary that there should be one hand only in the public purse; if there were many, even though all were clean, the purse would soon be emptied. Individuals, it was well known, might be brought to distress by servants not dishonest, as might a nation, by ministers not corrupt. Persons in the various departments of government were naturally anxious for the complete execution of the service commited to their charge, and the cost with which it was attended was with them not only secondary, but too often a disregarded object.

This led to consequences which could

only be averted by a presiding and paramount authority, which would compare, combine and controul, according to larger views and a more onerous responsibility.—It was also necessary to adopt without delay an improved system of account; the issue of public money not only required additional checks, but it was necessary that the disbursement should in every instance be followed as closely as possible by the audit. This was essential for the sake of the public; it was also due to the upright accountant, who, in numerous instances, had been long kept in a state of torturing anxiety, and from the loss of documents, and the death of witnesses, had obtained at last an imperfect, and unsatisfactory acquittance; whilst in cases of profusion, negligence or fraud, delay was equally beneficial to the delinquent, and injurious to the public. By such means confidence would be restored of which no minister was deserving, who did not make the correction of real abuses, and a determination to satify the necessary demands of the public service at the least possible charge, the primary and fundamental principles of his government. Let all well grounded causes of complaint, from the well disposed part of the community be removed, and in a country such as this there would be nothing to fear. But if the scale of our expence and the mode of providing for it should continue to be inconsistent with a just view of the present contest; if we persisted in adopting weak and delusive expedients, instead of resorting to timely and efficient retrenchment, and to a wise and provident system of financial policy, the irritation of the country would not be appeased, and the means of upholding its honour, and of maintaining and extending its power, would infallibly be wasted and destroyed. He trusted however that a different course would henceforth be pursued, that the urgent and indispensable duty of a vigilant, and scrupulous economy would be seriously felt, and strictly exercised; and that the present would be the last instance of deviation from a system, the benefical effects of which had been so abundantly experienced, and which ought to be regarded as the chief instrument of our triumphant deliverance from the difficulties, and dangers with which we were surrounded.

The Earl of *Harrowby* entered into a variety of arguments to shew that the financial measures of ministers were perfectly safe, and rendered necessary by the circumstances of the times, which proved the growing increase of our trade and prosperity.

The Earl of *Lauderdale* contended, that the application of any part of the consolidated fund surplus to other purposes, was contrary to the faith pledged to the public creditor.

The Earl of *Liverpool* defended the financial system of ministers, displayed in strong colours the prosperous state of the country, admitted the necessity of every practicable species of economy, and said that little was to be expected from the pitiful description of savings that was now so much recommended by some persons.

The Marquis of *Lansdown* observed, that nothing could be more necessary than to avoid even the imputation of a breach of faith with the public creditor. He would not say that the bill went quite so far, but it was undeniable that his security was diminished by it. He was sorry to find that the bill violated the two great principles upon which he and the administration of which he made a part, relied for our rising superior to the difficulties that surrounded us, namely, a steady adherence to the system of war taxation, or raising a great part of the supplies within the year, and the strict and undeviating application of the sinking fund. His lordship drew a strong contrast between the financial plan which he had the honour of proposing three years ago in the other House, and that pursued by the present administration. Though he had strong objections to the bill, he would not divide the House on it.—The bill was then committed.

HOUSE OF COMMONS.

Thursday, June 5.

[Annual Revenue Accounts.] Sir *T. Turton* rose to bring forward the motion of which he had given notice on a former day, for a regular production, on the commencement of each session of parliament, of Accounts, shewing the expenditure of the grants of the preceding year, so far as the same could be made up, and to the production of which he hoped there would be no objection. He said the enormous taxes annually levied upon the people of England for the exigencies of the state, and which they bore with the greatest cheerfulness, under the persuasion that those burdens were indispensable to the occasions of the country, notwithstanding the late disastrous failures of our continental expeditions, imposed a duty on the House to see that the produce of those taxes were applied with rigid economy to the purposes for which they were voted. The heads of public expenditure, to which he desired the House to look with vigilance, were those of the Army and Navy, by a due attention to which he was confident that hundreds of thousands of pounds might be annually saved. As to the expenditure under the head of Civil Offices, he had no fault to find with the payments made to those upon whom any public duty was imposed; for he was persuaded that, from the highest office down to that of the lowest exciseman, the payment was too small for the maintenance of the officers in proportion to their stations in life. The only alteration he would desire on this head was, that the high pay and emoluments should be diminished to those who held sinecure places doing nothing; and given to those who executed the public business. The precedents on which he grounded his motion, he found on the records of the Irish parliament, where such an arrangement was justly deemed necessary; and he concluded by moving a Resolution to the same effect.

Mr. *Foster* said, that as the hon. baronet had taken for a precedent the practice of the Irish parliament, he thought it necessary to say a few words on the subject. It was the custom in that parliament to make up their accounts annually, and so far as in them lay they did so, but from September to January, and even February, it was found almost impossible to do so with any degree of accuracy; and if in that country, where things were carried on upon so small a scale, the difficulty was so great, what must it be in such very complex and multifarious accounts as those which were required in the various and numerous departments of this government? In fact, he was certain it would be impossible to comply with the tenor of the hon. baronet's Resolution, and he should therefore oppose it.

Mr. *P. Moore* spoke in favour of the Resolution. He said the several reports of those committees of finance, of which the Speaker had been the chairman, all went to recommend the plan of the House refusing to grant a supply till an account was produced, so far as it could be made up, of the expenditure of the public money, granted by the House in the preceding session. He was convinced it was owing to the neglect of the plan, that the House had been drawn into the expenditure of 100 millions at least more than they would have done had the plan recommended been then adopted. He was sure he could prove this, and he thought it was high time the House should interfere and put some stop to so prodigal an expenditure, as that which had so long been suffered to be pursued.

The Chancellor of the Exchequer and Mr. Rose opposed the motion on account of the impossibility there would be to comply with it. The accounts were every year laid before parliament, so far as they could be made out, and if any honourable member thought there was any article that was not sufficiently made out, he might move for an explanation, or for a more detailed account, and he was certain to obtain what he required, and he might then, if not satisfied, bring the matter in any shape he pleased before the House.—Sir T. Turton said a few words in reply, after which a division took place: Ayes 29; Noes 66; Majority 38.

[PETITION RESPECTING LORD DURSLEY—ADJOURNED DEBATE.] Mr. *Whitbread* addressed the House on the subject of the Petition presented by certain freeholders of Gloucester, respecting lord Dursley. He asked the hon. member who had presented it, whether he knew the freeholders who signed it, or any of them, how the petition came into his hands, and whether he intended to take any step upon it?

Mr. *Swan* replied, that he knew none of the freeholders—that he had no particular connection with the county of Gloucester, and he believed that he had been applied to on that very account to present this petition; those more immediately connected with the county having refused to take it up, lest their conduct should be attributed to personal motives. He also stated, that he had apprised several members of the petition before it was presented—that he had taken steps to apprise the family of it, and particularly that he had mentioned the circumstance to a noble lord, a near connection of the family, and asked him whether he had heard of it?—To which the noble lord replied, that he had, and advised him not to present it. Mr. Serjeant Best, one of the most eminent men at the bar, had also read it, and said that it was not a petition that ought to be presented. When he found that it did not come under the Grenville Act, he certainly was under considerable difficulty how to proceed. He had undertaken, however, to present it.—He next adverted to what had fallen from the India Judge on the other side (sir John Anstruther), on a former night, who had entered into some sophistical reasonings, which he did not well understand, although he had collected the conclusion to be, that he ought not to have presented the petition. It would be remembered, however, that he had carefully stated that he did not consider himself answerable for the allegations contained in it, nor pledged to take any step upon it. In presenting it he conceived he had merely done his duty.

Lord *Dursley* then rose and observed, that to prevent any possible misconstruction or misrepresentation of the few words he had to offer, he had committed them to paper. He then read from the paper, that he was authorised by his father, earl Berkeley, positively to assert that he was his eldest son and heir apparent. He might have avoided this by producing a landed qualification which he possessed; but he felt himself so strong on the title of his birth that he had not chosen to resort to it. He would not detain the House further from proceeding according to its discretion.—His lordship then withdrew.

Mr. *Whitbread* said, that he had himself presented petitions when other members refused, upon their being put into his hands by the parties. He asked, whether he was to understand that the petitioners, or any one of them, had given the petition into the hands of the hon. member who had presented it?

Mr. *Swan* replied, that the petition had been put into his hands by a freeholder, of extensive property in Gloucestershire, but not by any of those who had signed it.

Mr. *Kenrick* thought it irregular to ask questions in this manner.

Mr. *C. W. Wynn* contended that it was perfectly regular to ask who had signed the petition, and whether the member presenting it knew the persons; otherwise, the grossest frauds might be committed upon the House. As the hon. member had confessed he did not know who they were who had signed this petition, and that none of them had given it into his hands, he wished to have the Speaker's opinion, whether they could regularly proceed farther upon it.

The *Speaker* said that the House required of the members presenting petitions, that they should be able to say that they believed the signatures to be authentic; but it had not been the practice to require absolute certainty on that point, a practice which would have been attended with great inconvenience. God forbid, that the subjects of this country should be unable to have petitions presented, unless they came from the most distant parts of the kingdom to give it into the hands of members and prove their hand writing.

Sir *J. Anstruther* adverted to what had been said of his sophistry, and observed, that the whole of the sophistry consisted in this, that he had desired the hon. member to state what steps he intended to take upon this petition. The hon. member had then replied, that he believed his course would be to move for a new writ. Did he now mean to say that he was ready to follow up this proceeding by moving for a new writ?

Mr. *Swan* replied, that he had already stated that he did not know the freeholders who had signed the petition, and could not be responsible for the allegations.

The question that the debate be resumed, was then put and carried.—Upon the question that the Petition lie on the table,

Sir *S. Romilly* asked the hon. member whether he was at all prepared to support the allegations it contained?

Mr. *Swan* replied, that he had so often answered that question, that he was surprized it should again be put to him. He had stated that he did not know those who had signed it, that he was not prepared to support the allegations. He had only done his duty in putting the House in possession of the Petition, and the House might deal with it as it thought proper.

Sir *S. Romilly* then observed, that if the hon. member, or any other member had been prepared to support the allegations contained in the Petition, it would be proper that it should lie on the table; but if not, then he thought it ought not to be received. The allegation was, that a person sat in that House who was not a member; and was it fitting that such a petition should remain on the table without any proceeding had upon it? The hon. member had said that the House might proceed upon it as it pleased; but what could the House do? The House, he presumed, would not advertise for evidence on the question; and, unless some immediate step was to be taken upon it, he could not see how the Petition could with propriety be received. Gentlemen, he allowed, ought to make no difficulty in presenting petitions; but if petitioners gave their petitions into the hands of members without enabling them to take any steps upon them, they could not complain if such petitions were rejected. This observation applied very strongly to this case, where the noble lord, for so he would still call him, notwithstanding these unsupported allegations (Hear, hear!)—had acted upon the assertion of his father, to which he was bound to pay every possible deference. The noble lord had been introduced to society as the heir apparent of his father, and had been received by his sovereign as such. Under such circumstances, he could not have resorted to his qualification without a stain upon himself and his family; he could not have acted otherwise than he had done. There was nothing personal attributed to the noble lord. This petition had been presented without any instructions to the hon. member how to act upon it, as if it had no other object than to excite domestic rivalship and animosity; as if it had been the design to have it laid on the table to be taken up at any distance of time, no one undertaking at present to substantiate the facts contained in it. Would the House then suffer this petition to lie on its table, to be held out *in terrorem*, and for no other purpose than exciting uneasiness, and producing animosity in breasts where the fondest affection existed?—If the House were to receive this petition it would be hereafter in the power of malignity to poison conjugal happiness, and to plant thorns in the hearts of the innocent, by making the proceedings of this House a vehicle to publish its libels. The House must see the mischief of this measure; it was a case without example; respecting it no party spirit could exist, and he trusted for its rejection in the generous feelings of the right hon. gent. opposite.

Mr. *Kenrick* said, that the petition was framed with considerable attention to its not being obnoxious. If no other member suggested it, he felt it to be his duty, to move that the petition should be referred to a committee of privileges.

Mr. *Tierney* wished to know from the learned gent. whether he would undertake that the petitioners (supposing the House received their petition) would proceed.

Mr. *Kenrick* would give no pledge. He had learnt from the counsel employed, that it would be necessary to apply for the Speaker's warrant, to enforce the attendance of witnesses to prove the documentary evidence referred to in the petition.

Mr. *Tierney* expressed himself dissatisfied, and without authority from the noble family of Berkeley for so doing, declared his intention of moving for the rejection of the petition.

The *Chancellor of the Exchequer* conceived, that all the House could desire, was, that the party petitioning should make good the allegations. The assurance of his learned friend, therefore, in his opinion was sufficient.

Mr. *Rose* regretted that the question should have come before the House, but being before the House, his opinion was, that it was cognizable under the Grenville act.

Sir *J. Anstruther* was of the contrary opinion. He thought before the petition was laid on the table, the House ought to be informed whether any hon. member was prepared to prove the allegation, viz. that the noble lord is not the legitimate son of earl Berkeley. If not, then he should object to it being laid on the table.

Mr. *Fuller* thought the electors should have raised the objection at the election. It was competent, however, for them to object to the qualification, and he should be for doing justice.

Mr. *Bathurst* wished the hon. gent. who presented the petition, had asked the petitioners whether they were or not prepared to prove their case. He regretted the extreme cruelty and scandal which must necessarily follow the agitation of the subject; but on the whole he thought it impossible for the House to refuse going into the inquiry.

Mr. *C. W. Wynn* should have been against receiving the petition, but for the statement of the learned gent. (Mr. Kenrick), that counsel and witnesses were ready to attend. He thought the business, however, highly cruel, and that the petition could answer no good purpose.

The *Speaker* said, if the House wished to dispose of the petition as speedily as possible they would send it at once to a committee. If they were to order it to lie on the table that would have the effect of disposing of it for that day.

The *Solicitor General* could not see any possible ground for refusing the petition. It was in terms of law, and its prayer and language were respectful. If it was to be gone into and prosecuted, were there not questions which they were to inquire into before-hand? If, in the result, it should not be supported by proof, that was an insult which it would behove the House to punish, and not to suffer the petitioners to escape its just vengeance. He concluded by moving that the petition be referred to a committee of privileges.

Mr. *Canning* said, he had never met with a question in which he had experienced more difficulty in making up his mind. He might indeed, now feel his difficulties revived, from perceiving that his hon. and learned friend who spoke last, and the hon. gent. opposite who spoke before him (Mr. Wynn), differed from him in opinion. The question, however, seemed to him, with all deference, to be—Were they, from respect to the petitioners, to enter into a proceeding which they knew could not in the result be satisfactory? If the investigation which might take place should terminate favourably to the claims of the noble lord, against whom the application was made, their decision in his favour could be to him of no service. If, on the contrary, they should be of opinion against him, such a declaration would go to prejudice his rights. Was that House to proceed to the trial of a question over which they had no jurisdiction, and which must afterwards come before a competent tribunal? And were they to try in the most unsatisfactory manner, what must be again satisfactorily and legally investigated? There might be a necessity for this, if it could be alledged that the other party's rights would be injured if the House did not interfere; but here there was no such pretence. The petitioners said they were ready to make out their case; but even if they did make out all they alledged, it would not, to his mind, be conclusive, but would only go to raise strong inferences, which there might be facts sufficiently strong to do away. But after all, of what did they complain? That the noble lord was seated instead of the person of their choice? No—that he was not a proper person to represent the county? No—but that an individual held a seat in that House under the name by which they had always known him. If they had had doubts on their minds they might have brought the question to trial in a fair way. What, however, was the question now? Not one relating to the electors, but to the person who was to sit in that House. They complained not that their choice had been circumscribed, but that the legislature had not acted up sufficiently to their own circumscription. The choice of the petitioners must be presumed to be concluded in the general choice of the electors, and the present application was more properly a suggestion to the House calling on them for an exercise of their discretion than any thing else. He objected to the idea of throwing such an *onus* on the House, and as one party would be prejudiced by their entertaining the petition, while no practical good effects could be produced by the investigation, he was against the motion.

The *Chancellor of the Exchequer* said, if this was a question of discretion he should agree with his right hon. friend. So much the contrary, however, this was a petition under a statute, and he could not see on what ground the House could refuse to act on it. The petitioners were freeholders who complained of the sitting member being disqualified, and this was a case which they were entitled to bring before the House. He thought the case must go to a committee of privileges to ascertain the fact. As to this being a question of party feeling against the noble lord, it was impossible to conceive so. All feeling must operate the other way.

Upon a division, the numbers were, For the motion 46; Against it 91; Majority 45. The petition was consequently rejected.

[NAVAL ARSENAL AT NORTHFLEET.] Mr. *Sharp* complained that the Fifteenth Report of the commissioners of naval revision had not been laid before the House. The Report to which he alluded set forth the necessity of establishing a new Naval Arsenal at Northfleet. It appeared that our harbours at Portsmouth and Plymouth were on the decline, having less depth of water than formerly, so that ships coming in to be repaired, were obliged to have their guns and stores taken out before they could enter. Similar inconveniencies were experienced at Deptford and at Woolwich, so that ships of the line were obliged to drop down to Long Reach, or Northfleet to be fitted out for sea. These circumstances rendered the establishment of a new Naval Arsenal necessary. The immense expences incurred in consequence of the evils he had described were sufficient to answer any objection that might be made to the expence attending the establishment of a new Naval Arsenal, however great it might be. In the event of a peace, such an establishment would be necessary, as room would be wanting to lay up 130 sail of the line, and upwards of 400 other vessels of war. This was proposed in the Report, as a remedy for the evils complained of, and Northfleet was named as having a greater depth of water than either of our docks at Portsmouth, at Plymouth, at Deptford, or at Woolwich. He thought the Report ought to be laid upon their table, and concluded by moving "An humble Address to his Majesty, praying that he would be graciously pleased to direct that the Fifteenth Report of the commissioners of naval revision, and the Report sent in to the board of admiralty, dated Oct. 18, 1807, and signed J. Rennie and J. Whidby, relating to mooring chains, be laid before that House."

Mr. *Yorke* observed that the present naval exertions had out-grown all former systems; and it would, therefore, be proper to make some new arrangement to meet the inconvenience thence arising. It was, however, the first duty of government to look well into all the circumstances and bearings of the case, before they expended 10,000,000*l.* in forming the proposed new Arsenal at Northfleet. The House could not at present enter fully into the question with prudence, but he hoped government, at a period not very distant, would be able to grant the information required, or give satisfactory reasons for withholding it. He should oppose the motion, as the Report could not be produced at present without much inconvenience to the public service.

Mr. *Wilberforce* did not think it at all unsafe for the Report to lie on the table. If the measure was thought of some years ago, it was still more necessary from the present aspect of affairs to put it into effect. With respect to the calculation, lord Barham's authority was sufficient. He did not approve of the production of the papers, and hoped that ere long something effectual would be adopted.

Mr. *Rose* approved of the authorities cited by the hon. gent., to which he wished to add that of lord Vincent, who thought there was an absolute necessity of fortifications and armaments eastward of Spithead. The dock-yards, instead of declining, were in a constant state of improvement. In the harbour of Portsmouth there was no want of deep water. He alluded to his publication on the depth of the Thames, in which the most skilled and experienced judges concurred. The idea of manufacturing sail cloth in the yards, he deemed to be totally misconceived. He never asserted that there should be no Arsenal at Northfleet, he merely deemed strict inquiry necessary into the extent of such a work.

Mr. *R. Dundas* wished the hon. gent. would not at present press his motion. He agreed with his several statements. The question has been already before the privy council, but in consequence of the great expence necessary, no decision had been come to.

Mr. *W. Smith* stated, that almost every noble lord who has been at the head of the admiralty, had left a memorandum of the importance of this measure. It should not be postponed, inasmuch as it concerned the independence of the kingdom.

Mr. *Croker* observed, that the delay did not arise from any unwillingness, but from its great importance, and the wish to avoid bringing it out piece-meal.

The question was then put, and negatived.

[PENITENTIARY HOUSES.] Sir *Samuel Romilly*, in rising to make his promised motion, touching the acts of the 19th and the 34th of the King, relative to the Penitentiary Houses, said, he should not go over the grounds at any great length, upon which he thought this measure ought to be adopted, and which he had fully stated not long ago, when he made the motion which he was now about to submit to the House. I will just state, said he, that the object of this motion is to carry into execution a plan for rendering the administration of the laws more effectual, which held out a better prospect of reforming criminals, and of attaining all the other objects of all penal laws, than any that has hitherto been found practicable. It is a plan which was formed by some of the wisest men in this country, and who had devoted much of their valuable time to this important subject—by Mr. Justice Blackstone, Mr. Howard, and Mr. Eden, now Lord Auckland. The great objects which they proposed to themselves were, to reform the criminals, to seclude them from their former associates, to separate those of whom hopes might be entertained from those who were desperate, to teach them useful trades, to accustom them to habits of industry, to give them religious instruction, and to provide them with a recommendation to the world, and the means of obtaining an honest livelihood after the expiration of the term of their punishment. In the opinion of Mr. Justice Blackstone, it was a system which united in itself so many advantages, and held out so flattering a prospect of success, that he did not hesitate to declare that, "if properly executed, there was reason to hope that such a reformation might be effected in the lower classes of mankind, and such a gradual scale of punishment be affixed to all gradations of guilt, as might in time supersede the necessity of capital punishments, except for very atrocious crimes." (Com. 11 edit. vol. iv. p. 371.) That plan, however, has remained on the statute book for upwards of 30 years, without any effectual step having been taken to carry it into execution. In the mean time the want of it has been severely felt, and all have confessed that the inconvenience and inefficacy of other punishments have rendered but too sensible the impolitic and injurious tendency of the present system. There are, indeed, but three species of punishment which by the law of this country can be afflicted for crimes above the description of misdemeanors, and which are yet not punishable with death—that of imprisonment in gaols or houses of correction; imprisonment on board the hulks; or transportation. With respect to imprisonment it has been found, that in general persons who have been confined in common gaols return to society much worse than when they were first withdrawn from it; that men who were imprisoned for their first offence, became in a short space of time hardened and desperate, and qualified to commit the most dangerous crimes; that they are matured in villainy, with a degree of rapidity which would be thought hardly possible in so short a period. To remedy this evil, expedients have been devised, but none have been executed. The prisons of this country yet remain a reproach to it. No one step has been taken to adopt a plan, by which the different classes and species of offenders might be separated from each other. Offenders of the very worst description are indiscriminately mingled with those whose first offence (and that, perhaps, a very slight one) had brought them into a situation, from which with a little care they might be reclaimed. Persons who have been committed on suspicion of an offence, whose guilt or innocence is yet matter of uncertainty, are compelled to associate with those whose crimes have been ascertained, and the danger and contagion of whose society and manners and example cannot be doubtful. Such is the general state of the prisons of this country, with a very few exceptions highly honourable to the counties in which they are to be found. The most remarkable of these are the prisons of Gloucestershire, under the care of sir George Paul, and the house of correction at Southwell, in Nottinghamshire. Amongst the prisons pre-eminent for the badness of their police and their regulations, I am sorry to be obliged to mention those of the metropolis. The prison of Newgate particularly seems to combine every defect of which a place of confinement is capable; and at the same time that we have erected a national monument to Mr. Howard, as a reward for his exertions to reform our prisons, the city of London leave, close to the statue we have raised, this gaol, as a monument of our disgrace and our inhumanity, and in which not one of the regulations which Howard recommended has been observed.

Imprisonment on board the hulks is still more pernicious, and productive of still greater evils, even than imprisonment in our common gaols. It seems not to be the duty of any responsible person to determine what description of offenders shall be sent on board these vessels. Convicts from remote parts of the country, and those who have long infested the streets of London; boys for their first offences, and long practised robbers and adepts in every species of crimes; those who are not intended to be removed to any other place of punishment, and such as are waiting only for an opportunity to transport them to Botany Bay, are all confounded together, and, in the intervals of their severe labours, encourage and instruct each other in crimes, and in the most odious vices. Mr. Howard has stated as the result of much observation and inquiry, that of the persons confined on board the hulks, those who came from the country generally died, in consequence of their confinement, and of the horror they felt at the examples and the scenes exhibited to them; and that those who came from great manufacturing towns generally became in a short time the most daring and dangerous of offenders. When this subject was last before the House the secretary of state told us, that lately a great reform had been effected on board the hulks, and that they were no longer liable to the objections formerly made to them;

and this happy change he ascribed to the gentlemen under whose superintendence they are placed. I am sorry to say, that that representation does not agree with the accounts which I have received. I have no doubt that the reports which have been made to that gentleman by the persons he employs are perfectly conformable to the statements which he has made to the secretary of state; but has that gentleman, though I understand that he inspects the hulks himself, been at Portsmouth more than once within the last year? and if he has, is it or is it not true, that although the most vicious and depraved habits and examples prevail there, there are at this moment no less than 14 or 15 boys to be found amongst the prisoners? The truth is, that no attention will ever be able to correct the defects of this species of punishment. The mischief, as is truly stated by the Committee of which you were the chairman, in their report of 1797, is not so much in the mode of conducting the establishment, as in the establishment itself. The vices of it are inseparable from the system.

With respect to the punishment of transportation to New South Wales, I have so lately troubled the House, and at so much length upon it, that I should be inexcusable in trespassing long upon their patience now. In whatever light we consider it, as calculated to prevent crimes, whether by the terror which the example should inpire, or by the reformation of the individual punished, we shall find it extremely innefficacious. As an example, the effect of the punishment is removed to a distance from those on whom it is to operate. It is involved in the greatest uncertainty, and is considered very differently according to the sanguine or desponding disposition of those who reflect on it, or according to the more accurate or eroneous accounts of the colony which may happen to have reached them. The severity, indeed, or lenity of the punishment, depends not on the degree of guilt of the offender, but of his talents, and acquirements and qualifications, for the new state of things into which he is transported. Possessed of that knowledge and skill which happens here to be most in request, it matters little what has been his offence, he may chance soon to find himself relieved from all restraint, and in a situation which he never could have hoped to gain in his own country. I have been informed that in the transactions which immediately led to the revolution which has lately taken place there, an attorney, who here stood in the pillory, and was afterwards transported, a man who here would have been an outcast from all society, was confidentially advised with by those in authority, and enjoyed something very like the influence of an attorney-general, because he was well acquainted with legal forms.

To judge of the effects which are produced in the convicts in the way of reformation, one has but to read the history of the colony which has been published by Mr. Collins, a writer who is above all suspicion of exaggerating the evils he relates, for, in spite of the facts which in every page of his book pronounce the condemnation of the whole system, he is uniformly its panegyrist. The history which he has written is little more than a disgusting narrative of atrocious crimes and most severe and cruel punishments. It is indeed a subject of very melancholy, and to this House of very reproachful reflection, that such an experiment in criminal jurisprudence and colonial policy as that of transportation to New South Wales should have been tried, and we should have suffered now 24 years to elapse without examining or even inquiring into its success or its failure. An experiment more unpromising or bolder than that of founding a colony, which was to consist altogether of thieves and convicts, of the very refuse of society, of men habituated to idleness, and having no motive for wishing success to the colony they were founding, never was tried in any former age or by any other nation. When we formerly transported convicts to North America, they found themselves immediately on their arrival in a society, where habits of industry and regularity prevailed, and where the vices or crimes of an individual marked him out as an object of infamy or of punishment; but in the infancy of the colony in New South Wales, guilt and vice were the characterestics of the whole nation. It was to be a people of thieves and outlaws, under the controul of their military guards. Thieves and their keepers—prisoners and their jailors—these were to be the whole population.

If such a project ever could have been successful, at least the persons transported should have been only those who were sentenced to that punishment for life, and not men who, being sentenced for a few years only, would soon have a right by law to quit the colony. The greatest number, however, who were transported, were of this description. In the first embarkations which took place, the gross injustice was committed of not sending to the colony any account of the period at which the sentences commenced; and Collins relates, that when several convicts claimed their liberty, it was necessary to inform them that inquiry should be made in England of the truth of their statement, but that they must remain in bondage till an answer was received to the inquiry, which would be at least a year and a half. During the whole time that the colony has existed, men have been transported, who, at the time when they were embarked had only a few years to come of the time for which they were sentenced, It appears by the returns from the office of the secretary of state now on the table, that in June 1801, no fewer than 40 men were transported, each of whom had only one year of the term of his punishment to come when he was embarked, and ten of them had only nine months, and this, although the voyage is of nine months; so that when they reached the place of their punishment, they had by law no punishment to suffer.

It appears by the same returns, that so late as in the month of August last, two men were transported, who at the time of their being sent out of the country had not two years to come of the term of their punishment. When these cases were mentioned before, some gentlemen endeavoured to account for them by supposing that it must have been at the request of these convicts themselves that they were transported: but I am fully convinced that there is no foundation whatever for that supposition. The last instances are so recent, that the fact might easily be ascertained. The truth, I believe, is, that this flagrant injustice is to be ascribed only to the negligence, but a very criminal negligence it certainly is, of those on whom the execution of these sentences depends.

Indeed, not only with a view to the prosperity of the colony, but to the justice which is due even to convicted criminals, none should be transported to so distant a part of the world who are not sentenced to transportation for life, unless they were, at the expence of government, brought back to their country at the expiration of the term of their punishment. Left to get back to their native country as they can, their only resource is to work their passage home as sailors; but this is a resource only for the strong and healthy. To the sickly, the aged, and infirm, the sentence, which by law is limited to a certain number of years, becomes in fact a sentence for life. With women it necessarily becomes such a sentence in every case; and yet, from the first adoption of this system, there have been, exclusive of those who sailed a few months ago, on board the Canada transport, no fewer than 1,754 women transported for the term of seven years: 1,754 persons, who, for offences which the law has declared deserved no severer punishment than transportation for seven years, have been actually transported for life, and those of a sex, which, if all notions of justice were to be disregarded, might seem at least deserving of some compassion. If in England any jailor were to presume to retain a single individual in prison, though but for a few weeks, after the term of his imprisonment had expired, what indignation would not be felt at such a flagrant abuse of authority?—but the continuance of such injustice during all the lives of thousands who are made the victims of it, passes almost unnoticed when the scene is removed to so great a distance from us.

The punishment of transportation has indeed been sometimes considered as one of no great severity, and I have been very sorry to hear it so represented by those on whom the inflicting it depends. It is, indeed, often inflicted at the quarter sessions, for petty larcenies, not attended with any circumstances of aggravation; it is sometimes inflicted on boys, at a very early age, merely as the means of separating them effectually from the bad connections they may have formed at home. It were much to be wished, that those who consider transportation in this light, would impose upon themselves the duty of reading Mr. Collins's history of the settlement, that they might acquire a just notion of all the complicated hardships and sufferings to which transported convicts are exposed.

I have touched only on a few of the evils of this species of punishment, and it is because I enlarged so fully before on many others that I pass them over now. No person, surely, who has reflected on this subject, can doubt that it is expedient to try some other mode of punishment. That of the penitentiary houses can, indeed, hardly be called an experiment; it has already been tried, and every where with success. We are not only informed of the good effects of it in the states of North America, where it has been adopted, but we have seen them in several parts of England, and in the instances of those penitentiary houses which the secretary for Ireland lately mentioned in this House. Too much praise, indeed, cannot be given to the Irish government, for the attention they have paid to this subject, and the most sanguine could not have hoped for greater success than has attended their exertions. It is earnestly to be wished that their example may be followed by his Majesty's ministers here.—He concluded by moving, "That an humble Address be presented to his Majesty, that his Majesty would be graciously pleased to give directions for carrying into execution so much of the act of the 19th of the King, entitled, 'An act to explain and amend 'the laws relating to the transportation, 'imprisonment, and other punishment of 'certain offenders,' as relates to penitentiary houses, and for carrying into execution the act of the 34th of the King, entitled, 'An act for erecting a penitentiary 'house or houses for confining and employing convicts.'"

Mr. Secretary *Ryder*. Sir, I concur so much in the general principles laid down upon the subject of penitentiary houses, that I feel it necessary to state, that I cannot but agree in the motion of my learned friend. At the same time I am sorry that my learned friend has brought this subject before the House at a time when some gentlemen did entertain a hope that at this late period of the session it would not have been agitated, and particularly because the House was not in possession of such satisfactory information as would enable it to form a competent opinion upon this subject. There are other additional reasons which incline me to think that this is a season extremely inauspicious for the entertainment of this question. An hon. and learned gent. who has applied himself most laboriously to the consideration of this subject, and from whom the House may derive the most important information, not having yet made any communication to me upon it, I am extremely anxious for the assistance he is so well able to give me before I can form my determinate opinion. I am the more anxious to have a communication with sir George Paul, the learned and hon. gent. to whom I allude, and also with another hon. baronet, a member of this House, because I am given to understand that the result of their labours has been, to ascertain that the plan for erecting penitentiary houses, as described in the 19th and 34th of the King, is not only very defective, but that the state of things at present renders it impossible to carry it into execution. They, I understand, are of opinion, that very considerable improvements may be made in the system which was then adopted. This opinion, Sir, will appear the more reasonable and consistent when we recollect, that the plan contained in those acts was that which was first introduced by Mr. Howard into this country, and that at a time, too, when the public attention was not sufficiently directed to it; the experience of subsequent years doubtless shews that some alteration is not only requisite, but highly necessary. I should therefore hope, that the hon. and learned gent. would be disposed to withdraw his motion for the present, upon the positive understanding, that at an early period of the next session of Parliament it would be entertained in a manner more befitting the importance of the subject. I do think more justice will be done to it by such an arrangement. We shall be better able to compare the merits of Mr. Howard's system, with the system adopted in these acts of Parliament. The injustice with which it must now be treated would be avoided. We shall then be in possession of the collective opinions of those respectable gentlemen who have directed so much of their time and attention to its merits; the House will then be better able to see the defects of the 19th and 34th of the King; they will be better able to judge what alterations may be prudently made in those acts; and lastly, they will be more competent to forward the objects of the learned and hon. gent.—It is no very inconsiderable object for the House to understand the tendency of these acts of Parliament, as they at present exist; and it is of no less importance that the plan they describe should be most maturely considered. It is proposed by these acts, to erect a great penitentiary house in this metropolis, capable of holding from 900 to 1,000 persons, and to be enlarged as might be thought expedient or necessary. I believe that the very erection of such a building as this would cost at least 100,000*l*. I speak only of my own belief; but, leaving the subject of expence out of the question, it has been very much doubted whether a penitentiary house of that size, and calculated to hold that number of persons, is a good system; and whether a greater number of penitentiary houses situated in different parts of the country, capable of holding only a much smaller number of persons, is not a much more eligible system. Now, Sir, that is so serious a doubt, and may be supported by so many specious arguments, that I would presume to suggest to my learned friend the necessity, as well as the prudence, of farther delay; because, should these acts be carried into effect, without more mature deliberation, it would not be, perhaps, hazarding too much to say, that we blindly ran into a plan, without considering what we were about to do. So anxious, therefore, am I to avoid the risk of getting into a wrong path, and of expending the public money to disadvantage, especially when, by the short delay of eight or nine months, we may be able to form a better plan, and upon principles more secure against such objections, that I think the House would act with great imprudence if they adopted the present motion. If my learned friend would propose to commence this system upon a much smaller scale, there would be less danger of falling into an improper course; at least, if it failed, the loss would not be so grievously felt: but he must recollect to what evil he would expose the House, if a failure attended this plan, when executed to the fullest extent. Having erected a large building, at an enormous expence to the country, you find it does not answer the purpose you intended, and you must therefore pull it down again. I do hope and trust that my learned friend, in a question of so much doubt, will withdraw his motion for the present session, under the solemn assurance, that early in the next I shall be the first to establish a committee to take the matter into serious consideration.—Sir, with respect to the hulks, that is a question not at all connected with the subject under discussion, at least with the motion of the hon. and learned gentleman. I am therefore little disposed to argue it, not so much on account of the season elected for its introduction, as on account of the defective information upon which we should proceed to form a decided judgment. I do hope, however, that the hon. and learned gent. will, in the course of the ensuing summer, take upon himself the trouble of inspecting those depots, and I am not without hopes that he will find himself deceived in the opinion he has formed of them. I have always admitted that there are many defects in them, but they are defects capable of being remedied by proper regulations; and I am firmly of opinion, that without these objections, and under amended rules, it is a species of establishment most desirable to be maintained. With respect to the accounts that my learned friend has received upon the subject of transportation, and into which I do not wish to enter, I have made the most minute inquiries as to the truth of them, and I have reason for thinking that they are devoid of foundation. I speak thus positively, because I made it matter of special investigation. There are weekly accounts brought to my office of the state of the convicts on board the hulks, and from them I am periodically possessed of the best possible information. I can therefore assure the House, that the reports to which the hon. and learned gent. alludes are totally unfounded. With respect to the instances of those persons who were sent to Botany Bay for the full period of their sentence, after having been confined for two years on board the hulks, I have also inquired into those facts, and I find that they are exactly as stated by the hon. and learned gent.; but upon further investigation I find that the conduct of those two persons was so bad and so mutinous, that they were sent to Botany Bay, with the remainder of the crew on board the hulk, who assisted in their misconduct. These two instances are so far certainly correct; but the practice of sending men to Botany Bay, after they have been confined on board the hulks for a considerable time, without any remission of their former sentence, is by no means common. The rule is this: those sentenced for 14 years and more are generally sent to their final destination; but those for 7 years are suffered to remain on board the hulks, unless by their misconduct it be deemed necessary to send them off also. But the general rule is to keep them on board the hulks. Upon this subject, however, I anticipate that the hon. and learned gent., after inspecting the hulks, will form a very favourable opinion, at least very different from that which he now entertains. Sir, with the general principles laid down by the hon. and learned gent. upon the subject of penitentiary houses, I perfectly agree, and I feel so friendly to the measure, that my cordial support shall not be wanting to its attainment early in the next session.

Mr. *Abercromby*.—Sir, I feel that I can add no observation to the speech of my hon. and learned friend, which could more strongly impress upon the House the wisdom and expediency of the measure which he has brought under their consideration. I am desirous, however, of expressing my intire and cordial concurrence, not only on the particular course which has been pursued on this occasion by my hon. friend, but also in those principles upon which he has recommended the adoption of the measure to the House. I rejoice also to find that the principles which have been stated by my hon. friend have met with the approbation of the right hon. gent. who has just sat down; and I have only to regret that he does not support the principles of which he approves, by voting for the motion of my hon. friend. If the object of the present motion had been to introduce any sudden or violent change in the law, or to introduce a new mode of punishment, there might then have been some foundation for the objections which have been urged by the right hon. gent. But, on the contrary, the present motion proceeds upon principles which have been already discussed and adopted, and calls upon the House to stimulate the executive government to give effect to a law which has received the sanction of this and the other House of parliament, and which has too long remained dormant in the statute book. Under such circumstances, it is impossible to charge the hon. mover with precipitancy, or with rashly attempting to introduce innovations in the law, and it would be idle to postpone the motion, as has been suggested, until a committee could be appointed, and the result of their labours reported to the House. For what benefit could be expected to result from the appointment of such a committee? Is it likely that any new facts could be disclosed, or any new principles be suggested which were not known to, or considered by the House at the time the law, to which it is now wished to give effect, was passed. We now know, from the very full and satisfactory statement which was made on a former night by the right hon. the secretary for Ireland, that the most beneficial effects have resulted from the establishment in Ireland of a Penitentiary House upon a plan similar to that which is now recommended. The punishment of transportation to New South Wales is now carried to so great an extent, that 700 or 800 individuals are frequently sent there in the course of a year; and we all know the objections to that mode of punishment, both as it respects the situation of the delinquents before they leave this country, and after they reach the place of their destination. The question, in so far as it respects the condition of criminals before they leave this country, does not turn, as the right hon. gent. seems to suppose, entirely on the manner in which the hulks are now conducted, but on the objections to that mode of punishment, even supposing it to be well regulated. For the indiscriminate mixture of criminals of all descriptions and characters, of old and young offenders, which is so much more likely to corrupt the least abandoned, than to reform the most profligate, is, of itself, a radical objection to the system of the hulks. It is on this account, therefore, that I cannot concur with the right. hon. gent. in thinking, that we ought to discuss the present motion without any reference to the effects resulting from sending criminals on board the hulks. It appears too, from the returns on the table, that each individual who is sentenced to be transported to Botany Bay, remains for a great length of time on board the hulks, before an opportunity of transporting him occurs; and there are even instances in which scarce a year of the period of banishment was unexpired at the time of the criminal's leaving this country. If such inconveniences are inseparable from the punishment of transportation when carried to its present extent, it becomes the indispensable duty of the executive government, and of the legislature, to concur in substituting a mode of punishment which is not liable to these fatal objections; and none better that that which is recommended by the present motion has been suggested. If the object of my hon. friend's motion had been to abolish altogether the punishment of transportation to Botany Bay, I should have hesitated before I gave my vote in support of such a measure. But when we recollect that the comforts and enjoyments of a criminal, on his arrival in Botany Bay, are regulated, not by the nature of the offence of which he has been guilty, but the trade which he has followed when in England; for it is well known that every offender on his arrival is examined, not as to the nature of his crime, but as to his powers of administering to the wants and necessities of the colony. Thus he who has been guilty of the most venial offence, and to the commission of which he may have been instigated by the sufferings of a starving family, is neglected and left to struggle with all the difficulties of the situation, because he is not possessed of the means of administering to the wants and comforts of others; while the most hardened offender, because he can render himself useful to the colony, is indulged with his freedom, and is enabled to command all the conveniencies and luxuries of the place. If to those considerations we add the suffering in the hulks, the inconveniencies of a long voyage, and the difficulty of returning after the expiration of the period of banishment, the House must perceive how desirable it is, that the number of persons transported, should at least be limited, and some other punishment substituted, which is not liable to such irresistible objections, and which holds out more flattering prospects of reforming the morals, and meliorating the future condition of minor delinquents. The case indeed of the women who are transported to Botany Bay is peculiarly hard, and calls most loudly for immediate redress, for no provision being made by the public for the return of culprits when the period of their banishment is arrived, the men can only return to their native country by working their passage home; and this, the only means of return, is impossible for the unfortunate females. It is obvious therefore, that the punishment of those who are afterwards to be thrown back upon society, ought to be such as is calculated to confirm them in habits of industry, and to reform their morals; and these objects are very rarely attained by confinement on board the hulks, or by transportation to Botany Bay; and therefore it is that I feel so desirous that no time should be lost in adopting the motion of my hon. and learned friend. The right hon. gent. has objected to the extent, size, and scale of the penitentiary house which is directed by the Act of Parliament to which the present motion refers. But the right hon. gent. must feel that it is for the principle only that we contend, and if the objections of the right hon. gent. are well founded, there can be no difficulty in inducing the House to amend or alter the act in such manner as may render it most likely to attain the beneficial and important objects it has in view. All we ask is, that the executive government will make a beginning, and in this, as in all other similar cases, much may be expected from observation and experience. The principles of my hon. friend seem to be generally approved, they have been sanctioned by former parliaments, and we are now enabled to add the result of practical experience in Ireland; and it is for these reasons that I shall give my most cordial support to the present motion.

Mr. *Bathurst.*—Sir, although I am of opinion, and I am sure many other members go along with me in the same sentiment, that the system proposed is one which must be attended with many most important advantages, yet there are one or two considerations which induce me to think that the House would do well in not carrying this motion in the present session of parliament. For my own part, I have had no opportunity of witnessing the effects of the system, although I am disposed to believe that many great benefits may result from it. I feel, however, that it becomes us, as guardians of the public purse, to see what risk we shall be likely to run in seeking that advantage; and I am not clearly satisfied that it is not too much to call upon us to run at once into an undertaking, without well considering the reasons for what we do; nor am I less certain, in my own mind, that we should be acting wisely, in calling upon the executive government to lay out a large sum of the public money upon a plan, the advantages of which are in a great degree problematical. A right hon. gent. has hinted the idea of referring the matter to the consideration of a committee. For my own part I do not think that such a proceeding would be liable to the objection which the hon. and learned gent. who last spoke, seemed to anticipate. I really think it is the most eligible step the House could take in forwarding the object of the hon. and learned gent. who introduced this motion. A committee possesses advantages which the House collectively does not. In a committee, the details of the plan may be more amply discussed. If there be any defect in the plan described by these acts, the committee can remedy them, and produce for the final consideration of the House a system more perfect, or, at least, less objectionable than the plan at present proposed. Certainly, it appears to me, that, in the present state of the subject, uninformed as the House is upon the particular merits of this plan, and having before it no materials upon which it can come to a satisfactory judgment, it is quite impossible to give effect to the motion of the hon. and learned gent. It seems to be a matter of doubt and uncertainty, even with those who are best informed on the subject, whether large or small Penitentiary Houses would be the most eligible; and surely, I may venture to say, that it is of some small consequence to the House whether it expends 20,000*l.* or 200,000*l.* They will pause, I hope, before they suffer a question, so little defined, to depend upon the mere judgment of the executive government. It is important, I think also, for us to know, before we trust so large a sum of money in their hands, to what extent it is to be applied. With respect to the fears of the hon. and learned gent. for the continuation of the mischiefs already complained of, until next session of parliament, by not agreeing to this motion, I do not see the misfortune in the same light which he seems to do. The circumstance of this motion being agreed to will not lessen the number of transportations, nor will its rejection accumulate any heavier misfortunes on the heads of those who are now subject to the present system. An Address to his Majesty, praying his Majesty will be graciously pleased to give directions to carry into effect the 19th and 34th of the King, will in no degree operate in stopping a single transportation, which may be deemed necessary in the course of that short interval. Sir, in every point of view in which I consider this subject, I do think it is too much to call upon the King's ministers, in the present state of things to do this, especially after the reasonable, and, I should consider, satisfactory pledge given. It is a positive assurance, that, early in the next session of parliament the subject will be taken up with the utmost seriousness and deliberation. But though I am aware that further delay is necessary, I am not insensible to the imprudent remissness of government in suffering a plan like this, which I must assume to be eligible in principle, to lie dormant on the statute book for upwards of thirty years. I should extremely lament being the instrument of causing a longer postponement of this important subject upon any frivolous grounds, but I see so many serious reasons for justifying me in the opposition I now give, that I think apology is hardly necessary. The pledge given by his Majesty's ministers to take this question into serious consideration early in the next session, is so satisfactory a reason to my mind why the subject should not now be pressed, that I cannot give my assent to the motion of the hon. and learned gent.

Mr. *Wilberforce* said, he hoped, that while this subject was now before the House, he might be permitted to say a few words, without, however, any disposition, on his part, unnecessarily to lengthen the debate. There was no man who more deeply lamented than he did, that a measure like this, which promised so many advantages to society, should have remained for such a series of years, a mere dead letter on the Statute Book. He was sorry for the credit of parliament, that the motion of his hon. and learned friend, which contained so severe a reproach on its character, was but too well justified. Really, Sir, said he, when I reflect that the legislature has had before its eyes, for so many years, not only an opportunity of witnessing the disadvantages of the present system, but of scarcely avoiding the knowledge of its glaring defects, without resorting to some measure of reformation, I can express myself only in terms of wonder and surprise. Although I am justified perhaps, in addressing you, Sir, in the tone which I now do, by the apparent failure of parliament in the execution of its duty, I must not, therefore, lose sight of any circumstance of extenuation which might remove so unfavourable an impression of its character. I know it has occurred to the good sense and discernment of many members of this House, that some plan for the employment of the convicts, and those persons punishable with imprisonment, or some other regulation to prevent the necessity of sending so many individuals to New South Wales, was an object most anxiously to be wished. Indeed, so much was this subject thought of, and so near was the plan to its execution, that a piece of ground was actually purchased on which it was intended to erect a building, and the sum of 20,000*l.* was spent in forwarding its completion. This did encourage in me hopes that it would have been carried into execution, not so much on account of the comparatively trifling expence of its maintenance, which in the present times is a matter of no small importance, when compared with the annual charge there is upon the country in supporting our colony in New South Wales, but as the beginning of a system which promised so many important advantages to the nation at large. If we wanted argument, in addition to the encouraging prospect the system itself holds out, let us look to the effect of it upon the happiness of the different countries, wherein it has received encouragement. If we wish to consult economy, if we wish to resort to a plan which should reduce the expence of supporting those whose vices point out the necessity of their removal from honest society, that advantage will be secured by this system. But that, though of some consequence, is secondary to the other good consequences which must follow in the train of such an institution. The great and cardinal excellence of this system, is to restore to society the unhappy wretch, whose vices have brought him to premature ignominy and disgrace. This great end is to be obtained by the discipline which he is to undergo while confined in the penitentiary-house. Religious instruction, and moral precept, are to be applied to restore his mind to a sense of shame and repentance for his past conduct. Whilst in this state of progressive reformation, he is taught useful employments, so that when he is again restored to society he may not relapse into his former vices for the want of means by which he can earn an honest livelihood. During his continuance in this asylum, he is kept a-part from the contamination of a society worse than himself. A portion of his earnings are to be laid up for his use when he is discharged from the house; and when that event takes place, he goes forth, not as many persons do, who are desirous of altering a vicious course of life, without character to recommend them to honest employment, but he goes out into the world recommended, and not without a provision for his immediate subsistence. But the advantages of this institution do not rest here. The ignorant and uninformed are instructed in such rudiments of education as may be useful to them in forwarding their views in life. They are taught to read and to write, and are instructed in all knowledge which may be necessary to persons in that situation of life. That such a plan as this should have remained so long upon your statute book, with only one feeble attempt to revive it, at the end of 16 years, is, I own, a surprising instance of the remissness of parliament. However I am satisfied, that the delay has in no degree arisen from any idea that this plan was impracticable, but in consequence of a difficulty as to the spot most eligible for carrying the plan into execution. In the warmth of the discussion excited by this, the thing went by, and the plan was, if not forgotten, at least dropt without any struggle. Other objects soon excited the public attention, and the penitentiary-houses were forgotten. Now, however, that the subject is again revived, I hope we shall hear of no unnecessary difficulties to prevent its adoption, and that the hon. and learned gent. who has taken upon himself the trouble of bringing it forward, will not lightly give up so meritorious a task. Much has been said by my hon. and learned friend in deprecation of the system of transporting persons for a limited number of years to Botany Bay. I enter most cordially into his views upon this subject. The impolicy as well as the impropriety of transporting persons for a given number of years, appears to me so manifest, that I wonder this consideration alone has not excited the attention of the legislature to so important a subject, and induced an anxiety to adopt some measure upon the principle of the penitentiary-house. I think, Sir, that if the punishment of transportation is a necessary measure of severity, it should be for the whole of the convict's life: because when the unfortunate person reaches his destination, and knows that he can never return to his native country, he makes up his mind to his fate. Cut off from those vicious connections with whom he had been accustomed to associate, his mind, if it be at all well disposed, naturally turns istelf to honest employment. He feels that he is now placed in a situation, where, if be be industrious and virtuously disposed, he will receive encouragement; and he feels a natural desire to reform his bad habits, sensible that it is the only way he can acquire a character, or ever hope to rise in the estimation of society. But the man who is transported only for a few years, and dissatisfied languishes for the expiration of that term, which will free him from his imprisonment. Every act of duty or of expiation imposed upon him, he executes with murmuring and discontent, and looks only to the day of his departure. After these few observations with which I have troubled the House, I shall only add that, recollecting how frequently this plan has been near to maturity, and not discovering any necessity for further delay, I shall support the motion.

The *Solicitor General*.—Sir; I am extremely happy to find, that we differ only in the mode in which we shall carry into execution a plan, the principle of which is admitted to be good; and certainly for my own part, if the House was called upon to adopt one plan in preference to another, as better calculated to carry the principle into effect, I should give this plan my immediate and cordial support. I think with my learned friend, that it is a great reproach to the legislature, that they have paid so little attention to this subject. Undoubtedly the mode of punishment now almost universally adopted, is not calculated to produce on the mind of the offender, any sense of his disgraceful situation, or to amend his habits. If there be a chance of producing this good—the excellent principle upon which the penitentiary houses are founded, is that by which it is to be accomplished. The prospects it holds out are flattering and pleasing. If it is possible to reform the bad habits of men, and to restore them to a sense of shame, the principles of this system seem above all others the best calculated to attain that desirable end. If it is possible to point out a mode of practical reform, by which you can restore to society a class of men, whose services, according to the old system, have been utterly lost to the public, the mode now under discussion seems to be the wisest and the most perfect that human wisdom can suggest. I many years ago had an opportunity of witnessing the good effects of this system, in the county of Oxford, where it was first adopted, and where its beneficial effects were immediately felt—a great and important change took place in the criminal jurisdiction of that county, and the catalogue of offences was immediately reduced. Men who were before for ever lost to society, were now restored to their country, and to their friends. Instead of spending idle, unprofitable, and infamous lives in prisons; instead of suffering the early seeds of vice to be nurtured into hardened and desperate villainy, they were confined in a situation, where they were classed according to their respective offences—the comparatively venial were kept to themselves, and all communication with the most depraved and wicked was immediately suspended. Their time was rendered profitable, not only to themselves, but to the public—they were taught useful employments—they were corrected in their morals, and reformed in their habits, and at the end of the time to which their confinement was to extend, instead of being thrown upon the public, to lead a life of idleness, which would infallibly undo all the labours of those under whom they had been placed, they were fixed in a situation where they might employ their talents, such as they were, honestly and honourably—or they had nothing to do but to step into their own trades, with renovated character, and a prospect of encouragement for future good behaviour—and the consequence was, that many, led astray in the first instance by bad example, and all the other numerous incentives to vice, almost inseparable from large towns, were brought back to a sense of their error, and restored to respectable society. Sir, we need only consider for a moment the advantages of this system, to be sensible of the defects of our own. But those defects which have been a long time manifest without comparison, become doubly glaring by contrast. Whilst my hon. and learned friend is entitled to the thanks of the House and of the country, for the motion now offered for consideration, we must at the same time take especial care that we do not commit ourselves, by acting hastily. We are now called upon to carry into effect the acts of the 19th and 34th of the king, which *prima facie* may appear a very reasonable proposition. But Sir, there are reasons, which strike my mind, to be very forcible, why it would not be prudent to adopt the precise plan prescribed by these acts. In the first place, I am extremely anxious that the House should be provided with every information, by which they may be able to form a correct estimate of the merits of that plan. I am the more inclined to think that the necessity for some delay is not without very strong foundation, because an hon. baronet, and a member of this House, who has turned much of his attention to this subject, has discovered many defects in the present plan, to which it would be wise for the House to turn its attention. Now as this is a subject of very serious consideration, I hope I shall be excused for entertaining a very anxious wish, to have the very best possible plan adopted for carrying these principles into execution. In vain shall we seek for the advantages so ably described by the hon. and learned gent., and by other hon. members, as appertaining to this system, if we do not assure ourselves in the first instance, that we have adopted the wisest and safest course. I am therefore extremely anxious that the House should avail itself of the benefit of the opinions of those who have turned so much of their thoughts to the consideration of this subject. I am persuaded we shall derive much useful and important information by a little delay, of which we shall be deprived by hastily adopting this plan, or at least it will come too late to be of any service. But Sir, there is another reason, which induces me to think that more deliberation is requisite in coming to a decisive conclusion upon this subject. And it is this: I wish exceedingly to consider whether it is not better to extend our plan, not confining it simply and merely to the metropolis, but to all the counties of England. Besides, Sir, it is not sufficient to direct our attention to the merits of the principle and of the plan itself, I am extremely anxious to know in whose hands the execution of it is to be intrusted. For that reason it would be well for the House to be put in possession of the names of those persons, who are prepared to come forward, to second the efforts of the executive government, and add strength and vigour to the plan. Certainly upon this subject, government is not insensible to its merits, nor is it less anxious to adopt any measure which may improve the domestic polity of this country. If we are now to adopt the plan as it is at present prescribed, without any consideration or reference to the alteration of events or circumstances since its first projection, we may in all probability have to undo all that we shall have done. It may be necessary also to consider, whether one great penitentiary house, or whether many small ones will be the most preferable. For these reasons, and they appear to my mind to be very cogent, I think it will be not only necessary, that the House should be well informed upon the subject, and that they should take time to consider what plan is best calculated to carry this system into execution. Sir, I can assure the House, that it is not for the purpose of unnecessary or futile delay that we wish the hon. and learned gent. to withdraw his motion for the present; it originates in an anxiety that the plan proposed for our adoption should be as free as possible from defects which may render abortive their best exertions for its success. Under these circumstances, I cannot consistently support the present motion.

Mr. *Whitbread* begged to say a few words upon the merits of his hon. and learned friend's proposition.—"Sir," said he, "this motion comes before us recommended. First, as it is founded upon two acts of parliament, the wisdom and principle of which no man is bold enough to question; and, secondly, as it has originated with my honourable and learned friend, who, whilst others have been deriving theoretical knowledge upon subjects of this nature, has had experience and practice, both in and out of this House. The thanks of this House are due to my hon. and learned friend, for the anxiety and solicitude which he has evinced in endeavouring to rescue from oblivion a plan, that has remained upon your statute book, merely as waste paper, for upwards of thirty years. But, Sir, how poorly have his indefatigable exertions been rewarded; and how tamely has his proposition been received! The honourable and learned gentleman, with all his zeal, has proposed a course of proceeding which is likely to defeat the whole object he has in view. Sir, the hon. and learned gent. instead of wishing advantage to be taken of the opportunity which my learned friend has afforded us, of adopting this much desired plan, means to let this favourable instant go by, and would recommend to other gentlemen a fatal procrastination, which must destroy all hope of ever coming to any practical result upon the subject. He talks to us of a committee to consider the various plans that have been drawn by different surveyors, and a thousand other things, which could have no other effect but to encumber the subject with a load of useless disquisition. Another honourable gentleman who has spoken in favour of procrastination, has not argued upon true grounds, in supposing the plan could not be carried into execution, because we have not before us the precise estimate of the expense of building the penitentiary house. Sir, I would ask, what is there to prevent the building from going on without this? You have before you an eligible plan, you know its extent, and you can form a pretty accurate estimate of the expense. Sir, I would presume to contend, that this is a part of the subject with which the committee could have nothing to do. Their particular duty would consist in examining the internal regulations of the institution, and in prescribing what modes of employment the persons confined in the penitentiary house should be taught, and various other considerations, which I will admit do require some deliberation. But, Sir, if we now submit to this procrastination, the interval will be lost between this and the next session of parliament;

and then, perhaps, we should have to deplore the remissness of parliament in suffering another additional year, to go by, without attempting to remedy the abuses which are now so loudly and so justly the subject of complaint. Upon these grounds I should be extremely desirous of the immediate adoption of this address, and more especially so, not that I think the question of expense is matter of no importance, but on account of the additional number of persons who must suffer by the procrastination. The injustice, Sir done in the cases my honourable and learned friend has so feelingly described, the number of persons who have been confined for a considerable time, and then sent to Botany Bay for the full term of their sentence, and the possibility that similar cruelties may be practised between this and the next session, are considerations sufficient to justify the anxiety my honourable and learned friend feels for the immediate adoption of this plan. Sir, when we consider also the state of the hulks, and the abuses, I don't mean criminal or intentional ones, but abuses which have prevailed in the system, and which are likely to continue, it would be the height of injustice to suffer the present session to pass by without some attempt at reformation. Sir, all these things call most loudly for the adoption of the plan,—a plan which was never rejected, but which, on the contrary, received the sanction of parliament a second time, but has had the misfortune to remain a dead letter upon your statute book ever since, not only as a reproach to the character of parliament, but as another instance of injustice to the public. I do hope, therefore, that the House will not aggravate these grievances by wishing for a farther postponement. And here I am willing to bear my testimony to the attention which was paid to this system, and the persevering and indefatigable labours bestowed upon the subject, before the present plan was adopted. It was not adopted upon slight grounds, upon idle report, or the vague fame of the system in other countries. The statute book was consulted, every information upon the subject was collected with an industry that did great credit to the gentlemen who undertook the business. At length, after the most mature deliberation, the present plan was fixed upon. Let us not be told then, that the House has been called upon unawares, that they have been taken by surprise, and that the subject is not understood. Sir, there is no pretence for such excuses. If any gentleman doubts the excellence of this system, let him witness what has passed in Ireland, in America, in Holland, and in Gloucester. Let the right hon. gentleman and the hon. and learned gent. consult the papers on your table, and they will find abundant reason why they ought to vote for the immediate adoption of this address. Sir, the right hon. gent. has advised my hon. and learned friend to visit the hulks this summer. I apprehend if he does do so, he will not have much reason to alter his opinion as to the merits of the system altogether. It has fallen to my lot to make some inquiries upon this subject, to which I was induced by complaints having reached my ears of some its most glaring abuses. It is but too easily guessed that the complaints of the unfortunate persons themselves would be little attended to; but being called upon by a person who stated a complaint to me, I thought it my duty to go to the office of the right hon. gent. and make some inquiries. A return was made to me sufficient to satisfy my mind that the system was in itself so bad, as to require the interposition of the legislature. I am persuaded that every gentleman who considers this branch of the subject with any degree of patience, will feel his humanity and zeal so much interested, that he will acknowledge the necessity of adopting the system now for the third time brought under the consideration of the House. I am certainly not so sanguine upon the subject, as to suppose that the old system can be done away all at once, nor am I persuaded that you can put every offender, whose case does not call for the last and severest measure of punishment, into a penitentiary house. That, I think, appears at present, quite impossible. But I do not think this observation ought in the least degree to lessen the pressing necessity there is for adopting forthwith the address of my honourable and learned friend. By proceeding to this immediately, you will do much good, or you will at least prevent much harm between the present time and the next session of parliament. By delay, other subjects will intervene to divert the attention of the legislature. The public attention will be otherwise occupied, and we shall hear no more of the penitentiary houses.—We have heard something upon the subject of solitary confinement, or at least, of the expediency of confining men by themselves and preventing all intercourse with the other inhabitants of their prison, as an efficacious means of restoring them to a sense of their disgraceful situation. At the time that this subject was first agitated in this country, the opinions of Mr. Howard and Mr. Justice Blackstone were pretty freely delivered upon this point, to the authority of the former of whom, the hon. gent. (Mr. Wilberforce) has undoubtedly alluded. Certainly no men in this country were better able to give their opinion upon a subject of this nature, and none so capable of forming a correct judgment. But so far was Mr. Howard from approving of solitary confinement as a punishment, as the right hon. gent. seems to think he did, that he distinctly, and without reserve, expressed his abhorrence of it. I have heard him say, that such a punishment was too severe for human reason to bear—that he had seen instances of the cruelty and harshness of it, carried to such an extent that made him shudder with horror. Derangement and madness, in its most hideous and shocking form, often resulted from this species of punishment. I am persuaded that the opinion of such a man could not have been wilfully misrepresented, and that the right hon. gent. must only have had the ill luck to misunderstand his sentiments. I have myself seen a person committed to solitary confinement for two years: but I trust I shall never behold another instance of the same kind again; and I only hope those who administer the justice of the country will reflect on the sentiment of the immortal Howard—"That solitary imprisonment is too severe for mankind to endure." Sir, I shall give my hearty concurrence to this motion.

Mr. *Wilberforce* rose to explain. He said he was sorry to be misunderstood. What he observed with respect to solitary imprisonment, was that it might be a punishment usefully and judiciously applied, and in his opinion he was borne out by Mr. Howard, who he remembered to have said distinctly that solitary confinement, used as a medicine to the mind, gave an opportunity to the penitent of reflecting upon his misconduct, and of reforming the worst passions of his heart.

Sir *Samuel Romilly* rose to speak in reply. He said as there seemed to be but one opinion in the House as to the principle of the subject under discussion, he should not occupy much more of the time of the House. But I am more inclined, said he, to trespass, for a short time, on its attention, because I am anxious to remove an unfavourable impression which seems to possess the minds of some gentlemen as to the occasion of this subject being brought forward at so late a period of the session. I did hope the House would have acquitted me of any disposition to take it by surprise, after the course of conduct which I have pursued upon this subject. The House may recollect that I made a motion similar to this much earlier in the present session, and that I stated that it was not my intention then to press the House to a decision upon it, but that I was only desirous of putting his Majesty's ministers in possession of what I had in contemplation to do, and if they wished to consider the subject before the House was called on to decide upon it, I would withdraw my motion and move it again on a future day. It has since been put off from time to time for the convenience of the ministers, or because other matters thought to be more important have occupied the attention of the House. Under these circumstances, I certainly cannot accede to the proposal of again withdrawing my motion untill next session, for the purpose of having the subject then referred to a committee.—In the first place, I cannot see what a committee is to do; is the committee to inquire into the effects of the penitentiary houses where they have been tried? What necessity, can there be for this inquiry, when it appears to be the unanimous opinion of the House that they would be attended with good effect?—It is said that improvements might possibly be made in the plan of penitentiary houses, and that in a committee, a great deal of information might be collected on the subject; and a learned gentleman has said, that by this mode of proceeding we shall give time in furthering our object; but with a plan so matured, and stated to us with such details as that which we have before us, ought we to lay it aside, because there is a chance of improvements being made upon it, till a committee shall have considered the subject, and examined all the different ideas which may be suggested to them, and have made a report upon them. The present plan was the result of long and mature consideration. It had been suggested and considered for several years before the bill was passed. It was the work of men who had devoted great part of their lives to the subject, and after they had advanced so far as to get their plan embodied in an act of parliament, we are now desired in a future session of parliament to begin again, and to send the subject for consideration to a committee: the committee, after some mature reflection, and much time spent, may make their report; they may recommend a plan which may appear to them more perfect than this, in the course of some years we may perhaps hope to have another act passed, and when that act has remained unexecuted as this has done, we shall be just where we now are, and some member may hereafter be requiring the House, as I now am, to desire the execution of the law they have made; and this course is recommended to us as the means of gaining time. I cannot but think that it would occasion a great loss of time. If the address is carried, and effectual steps are taken for erecting the penitentiary houses, still there will be time enough before they are completed to pass any acts in the course of the next sessions, which may be thought to improve the system. But my learned friend, the solicitor-general, has suggested that the committee might inquire into the state of our jails, and the improvements to be made in them, and that both objects may be accomplished at the same time. I cannot but think that by pursuing these different objects at the same time, we are likely not to accomplish either of them, and that after a great deal of time has been occupied, the matter will, from our attempting too much at once, be likely to fall again into neglect, and to be forgotten, as has happened before. Notwithstanding what has been said of the state of the prisoners on board the hulks, I am still convinced that the evils which attend that species of punishment, far surpass any advantages that may be supposed to result from them; where prisoners of all descriptions are confined together, and where, as is now the case, boys of 15 or 16, are compelled to be the companions of the most depraved and profligate of mankind, it is impossible that the worst consequences should not follow to the unhappy wretches who are subjected to this punishment, as well as to the community. With respect to solitary confinement, I entirely concur in what has been said of it by the member for Yorkshire. I have always thought that complete solitude, and without occupation of any kind, was much too severe a punishment to be inflicted for any offence. Indeed one cannot but be shocked, when one reflects upon the levity with which such punishments have of late years been inflicted in this country, without any considerations of the effect which it might have upon the temper or disposition of the unhappy creatures who were doomed to endure it: I have myself known instances some few years ago, of persons who, for the offence of uttering seditious words, have, at courts of quarter sessions, been sentenced to two years of solitary imprisonment. It has been justly observed, that those are the best punishments which inflict the least suffering upon the convict, but inspire the most terror in others. The punishment of solitary imprisonment just reverses this rule; and no uneducated and unreflecting individual can conceive before hand all the horror of that new mode of existence, by which he is suddenly cut off from all the rest of mankind, and left in a state of total silence and seclusion. In many instances it is said to have produced despair and madness; it is a punishment too easily abused if it be solely left to the discretion of justices of the peace. Solitary confinement for very short periods, and as a mode of compelling the most hardened and daring offenders to submit to the rules and discipline of their prisons, may, upon occasion, and for very short periods, be advantageously resorted to; but to make solitude itself a punishment, accompanied with idleness, and that for certain long and definite periods of time, cannot in my opinion, under any circumstances be justified. The House will, I hope, not think that I am trespassing improperly on their patience, if I take this opportunity to mention, that lately persons have been authorised by law in this country, to inflict solitary imprisonment as a punishment, where a very slight, or perhaps no offence at all, may have been committed. An act of parliament has very recently passed through this and the other House of Parliament as a private bill, and without the attention of any of the members being called to it in any of its stages, the Lambeth poor bill, by which power is given to any one churchwarden or overseer of the poor, to punish any of the paupers who may be maintained in the workhouse, for the offence of profane cursing or swearing, or for using abusive language, or disobeying the reasonable commands of any person put in authority over them, or any other misbehaviour, with corporal punishment, or with confinement in the workhouse, which being itself in a great degree a place of confinement, must necessarily be solitary imprisonment, for any time not exceeding 48 hours. After the bill had passed, the injustice which it had done was called into notice, and a right hon. friend of mine (Mr. Sheridan,) gave notice of a motion on the subject, which from probably not knowing how after the bill had passed, the evil could in this session be remedied, he has as I understand abandoned. The fact however, Sir, is that however unjust this may be, it is not the first time that the legislature has been guilty of such injustice.—Many acts have passed of late years, by which this species of penal law has been enacted for individual parishes, varying, indeed, in their circumstances according to the fancy of the person who has drawn the bill, but all in the same spirit. In some the power of imprisonment, or corporal punishment, is given to parish-officers; in some to guardians of the poor; in some to the keepers of workhouses. In some of those bills, the power of solitary imprisonment is given in express terms, in some the term of imprisonment is defined, in others it is unlimited. In the act for the parish of Hampstead, the 39 and 40th of the King, power is given to the master or mistress of the workhouse to punish any person there maintained, who shall be guilty of profane swearing, or of using any abusive or improper language, with solitary confinement, and that for an unlimited period, and without any other controul than that it is to be subject to the approbation of the guardians of the poor. If this were confined to the offence of swearing, the enormous severity of it could not fail to strike every one. For the same misdemeanor, a gentleman is punished with a fine only of five shillings, and a poor wretch, who has been without education or instruction, and has been compelled by his necessities to associate with those amongst whom these depraved habits generally prevail, is to be punished with the most severe penalty of solitary imprisonment. But what is to be said when this injustice is extended so far, that what, in the judgment of the master of a work-house, may be deemed abusive or improper language, or misbehaviour, no matter to whom, whether to some servant of the house, or to an inmate like himself, with whom he may happen to have quarrelled, is to expose him to such severity. If this is to be the state of our penal law, enacted only for the most friendless and unprotected part of the community, at least it ought to be done by public statutes, to which the attention of this House should be drawn. This evil appears to me to be one of sufficient magnitude to occupy the most serious care of this House, and I shall probably in some future session bring it distinctly under their consideration. The remedy most likely to be effectual, would probably be to come to a resolution that no bill should pass this House, containing any clause, giving power to parish officers, or guardians, or trustees of the poor, or governors or masters of poor-houses, to inflict corporal punishment or imprisonment, which had not first been submitted to a committee of the whole House. This however, must be the subject of future consideration, and I hope that the House will not think that I have improperly wasted their time in noticing what I cannot but consider as the wrongs of those who have such imperfect means of making their sufferings known. To return, however, to the immediate subject of this debate, let me conjure the House to reflect how much time has passed since the legislature enacted that penitentiary houses should be erected, that although the ground for erecting them has been bought at great expence to the public, nothing effectual towards establishing them has yet been done. That the want of them in the mean time is every day more sensibly felt, that other punishments are found to be ineffectual, that crimes have become more frequent, offenders more daring and desperate, public morals more outraged, and the laws more despised, and then to say whether we ought to persevere in the system which has hitherto been followed, and whether we ought to defer, even though it be only to another session, a measure from which so much good is to be expected.

The House then divided, and the numbers stood thus: Ayes 52, Noes 69.

Majority against the motion 17.

Mr. *Bathurst* then moved a Resolution, which was carried without opposition, and is in these words: "Resolved, That this House will, early in the next session of parliament, take into consideration the means of most beneficially carrying into effect the acts of the 19th and 34th years of his present Majesty's reign, for the establishment and regulation of Penitentiary Houses."

HOUSE OF LORDS.

Wednesday, June 6.

[Roman Catholic Petition.] On the order of the day being read,

The Earl of *Donoughmore*, rose and said; My lords; the unwillingness, which I have ever felt in pressing myself upon your lordships' attention at any time, is greatly increased, by those circumstances of peculiar discouragement, under which it becomes my present duty to enter upon the discussion of a subject, which has been so often agitated, as to have lost all the grace of novelty; and is now unfortunately deprived of all that power of attraction, which it has heretofore possessed, from the eloquence and ability of the noble baron (Grenville.) I am fully aware of its extreme delicacy, and how much those difficulties have been increased, by some events which have occurred since the period of its last discussion in this House; and, under these impressions, it has not been without the greatest reluctance, that I have undertaken the task, which a sense of duty alone has imposed upon me, and which every consideration, personal to myself, would have induced me to have declined.

But happening to be, with the exception of the noble baron, with whom I am very nearly connected, the oldest existing parliamentary friend of the Catholic cause—having began my parliamentary life by an earnest though feeble assertion of the justice of their claims; and having continued to support them, with unabated constancy, through all the vicissitudes of their political fortunes—having never annexed to my repeated pledges of support, the condition of any new engagement to be entered into on their part, at any time—and having been ready to have freely given them, in 1793, all that they now seek for, under the same tests which already exist by the authority of the statute of that year, and which have been universally taken by all the Irish Catholics—no difficulty could, under such circumstances, have been created in my mind, by those considerations, which are detailed with so much ability, in the letter of the noble baron.

What must have appeared to the noble baron, in his view of the subject, a fit and necessary course for him to pursue, could have been considered, in those circumstances, so entirely dissimilar under which I was placed, in no other light, than as an unjustifiable pretence for withdrawing myself from the support of that question, to which I have been so long and so firmly pledged—and which nothing could have occurred to change, so far as my views of it were concerned.

Impressed with this feeling, it was impossible for me to have declined, to call upon your lordships to discuss the merits of the petitioners' case. I do not, however, consider it to be any part of the duty which I have thus undertaken, that I should endeavour to demonstrate the peculiar seasonableness of the time, which the petitioners have chosen for making their appeal to parliament—that was a matter exclusively for their own decision—they are the best and the only judges of their own case and circumstances—and have accordingly decided for themselves—without having received, or required counsel from their parliamentary friends.

On this subject, I feel and acknowledge no responsibility—I am accountable for no consequences which may follow the agitation of this question. The respectable persons, whose petitions are upon your lordships' table, are of opinion, that it would be of advantage to themselves and to their cause, to have its merits debated at this time. It is, therefore, their act—not mine.

Having alluded to the letter of the noble baron, I must here express the sincere concern with which I have perused certain strictures on his lordship's opinions and conduct—coming too professedly from a quarter, deeply interested in the success of these petitions.

On a subject, yielding in its magnitude and importance to no other, which has ever engaged the attention of parliament—and on which, from some cause or other, confessedly great misapprehensions had arisen—the survivor of the two parliamentary leaders, to whom the Catholics had originally committed the care of their interests, and who, in the zealous prosecution of them, had sacrificed every political object of their own—thinks it his duty to give, to the Catholics and to the public, a candid statement of certain points, in which, on any permanent arrangement of their claims, they must be prepared—in the opinion of the noble baron—to meet their protestant brethren, by reciprocal concessions on their part. For myself, I have already said that I am fully satisfied with the present securities. But, feeling as the noble baron did upon the subject—a great statesman, in whose opinions the public had so deep an interest—was it not his bounden duty to have expressed these sentiments—and at a moment too—when they might have tended to conciliate discordant opinions, perhaps even amongst the Catholics themselves?

And was it such a line of conduct as this in the noble baron, which called for that severity of animadversion, which it appears to have received—and in a tone, I must take leave to say, as little adapted to the high situation and character of the noble baron, as to those sentiments of persevering attachment, which his letter avows, to the support of the Catholic claims?

Do we not all remember, and can any Catholic ever forget! that it was whilst that noble baron, and the noble earl who sits near me (earl Grey,) and has adopted every sentiment expressed in the noble baron's Letter—were engaged in the endeavour to extend relief to their Catholic fellow-subjects—that the helm of the state was suddenly wrested from their hands, avowedly because they would not condescend to pledge themselves, to the perpetual relinquishment of these conciliatory measures?

And was it from such a quarter as this, that the Catholics were to apprehend the dereliction of that cause, for the support of which such important sacrifices had been made already?

And, when the recent rejection by these noble lords, of that participation, to which they were invited, in the direction of his Majesty's councils, must have been fresh in every man's recollection—what possible inducement could have suggested itself to any reasoning mind, for so gratuitous an abandonment, on their part, of every claim to character or consistency?

In the name of that justice then, which those should be prepared to render to others, who are in pursuit of justice for themselves—I demand, from my Catholic countrymen—a candid appreciation of the motives of those public men, who have never deserted their public duty—a steady reliance on the constancy of their own tried parliamentary friends—and a respectful deference so far as may be consistent with the essential doctrines and discipline of the Catholic church—to the suggestions of that experienced wisdom, to which they already owe so much.

The first and grand class of objection, against the restoration of those rights, to which I make my humble claim on the part of the petitioners, would be at once fatal and conclusive, if these objections rested on any just or solid foundation;—for who could be found so unmindful of what is due to your lordships, or to his own character, as to suffer himself to be prevailed upon to recommend a measure to the adoption of the House, the effect of which would or could be—directly, or indirectly—by any of its remotest consequences—now or hereafter—to repeal or to weaken any of the provisions of the act for the settlement of the crown, or to overthrow those principles, which secured our liberties and religion in 1688?—and yet we are gravely told, that we must be prepared to encounter such results as these if we hesitate to reject the prayer of these petitions. Luckily, the argument lies within a narrow compass, and depends upon the provisions of two statutes only, than which, as we have none upon our statute book more deeply interesting to the public weal, so are there none in their enactments more clear, intelligible, or explicit.

And first, though the latest in point of time, let us consider the act of the 12th and 13th of William the 3d, for the settlement of the crown. This act has three avowed objects, equally distinct from each other, and of equal importance. The establishment of the right of succession to the crown, in the present reigning family—that principle, which requires, as an indispensable condition, that the King shall hold communion with the established church—those securities, which the act provides, for the rights and liberties of the people.

Where is there, in this statute, any provision to prescribe or regulate the religion of the members of either House of Parliament, or of the King's civil or military servants? But perhaps I may be told, that the objects of these restrictions were not at the time, under the contemplation of the framers of this act. The direct contrary is the fact. The particular subject did come under their consideration: but produced a provision of a very different complexion indeed—according to which, no alien, though naturalized, can hold any office of trust or profit under the crown, civil or military; or be of either House of Parliament. From this review I draw these conclusions: 1st. That the qualifications for office and for Parliament had engaged the attention of the legislature, when this act was framed. 2dly.

That certain exclusions were then considered necessary to be declared, as fixed constitutional principles; and, 3dly. That these exclusions were not upon the subject of religion.

What then become of the objections arising from the act of settlement? and what bearing can this act have upon the question now before the House? except so far as its authority may tend to embarrass and to mislead.

Where shall we search for the principles of the memorable compact of 1688, beween the Sovereign and the people? Of this compact the bill of rights is at once the evidence, and the record. In that valuable recognition of the rights and privileges of the nation, do we find the record of any one Catholic disability? Are the Houses of Parliament closed against them by that act? Is the exclusion of Catholics, then and for ever, from offices of trust and confidence under the crown, asserted by that act, and recognised amongst the ancient liberties of British subjects? By the act of settlement, indeed, placemen and pensioners are excluded from the House of Commons. Where shall we find the necessity of a similar exclusion declared, against the King's Catholic subjects, as a fixed constitutional principle, in either of these memorable statutes?

On what ground therefore is it, that we are to be so gravely told, again and again, that the opening to the Catholics of the excepted offices, and of the Parliament, would be an abandonment of the principles of 1688—or a repeal, or a weakening, of any one provision of the act for the settlement of the crown? I am aware that there were in existence on the statute books, at the periods of which I am speaking, certain statutes, passed in the 13th and 25th years of the reign of Charles 2, well known under the denomination of the Corporation and Test Acts—by which dissenters from the established church, of every description, were excluded from all corporations, and from all civil and military offices—I am also aware, that these acts were not meddled with at either of these periods; but that they were suffered by our ancestors to remain in full force. And I am equally ready to acknowledge, that it has been since the period of the Revolution, that the jealousy of the state seems to have been most alive against its Catholic subjects, and to have delighted most, in the extinction of privileges, and the infliction of cruel penalties.

But let us look into the history of the time, and examine, against what description of people it was, that these exclusions had become necessary at the restoration of Charles 2. Surely not against the Catholics: they had steadily adhered to the monarchy—to their allegiance—to his father—and to himself—in all their difficulties—and had unquestionably as yet given no sort of umbrage to the state. It was against the Puritans: against those who had subscribed the covenant, and had thus avowed their hostility equally to Popery as to the established church. Against these the jealousy of the laws was reasonable and well-founded: not so as against the Catholics—to whom the extention of these exclusions, at the time, was a gratuitous severity on the part of the state; an act of cruel ingratitude on the part of the Sovereign; entirely uncalled for, and unjustified by any conduct of theirs.

During the whole of the short reign of James, and the latter years of Charles 2, Popery had certainly made its appearance in a very questionable shape. And at the period of the Revolution, those exclusions confessedly became equally necessary against the Catholics: and they were continued, as securities indispensable at the time, for the preservation of the new establishment—as such it is our bounden duty to continue them, so long as the same necessity shall exist—but we are not, therefore, to suffer ourselves to confound, in our reasonings upon these important subjects, those securities and safeguards with the constitution itself—for which they were erected, as outworks and defences certainly very necessary at the time.

I will tell you what are, according to my political creed, the fundamental principles of that constitution, which the subjects of these realms are bound to transmit to their posterity entire and unimpaired—those liberties, which are the birth-right and the boast of the British nation—the inseparable Protestant quality of the crown—and the maintenance of the church, as established by law; Protestant in two branches of the Union, Presbyterian in the other. It is by this criterion that I call upon your lordships to try the merits of the petitioners' case.

Is it possible that you can withold your assent to this proposition, viz. that your compliance with those claims of the Catholics, in their fullest extent, would not tend to intrench on any of these essential principles? But those, who support the line of argument which I am combating, are here driven to the necessity of establishing, as against the Catholics, a sort of constructive disability—compounding together the accessary and the essence—and erecting into a perpetual bar those acts of Charles—avowedly framed for the purpose of meeting the pressure of particular circumstances—which have long since entirely ceased to exist.

I deny to these acts, or to either of them, the claim which has been set up for their perpetual continuance—I deny that they compose any part of the fundamental principles of the British constitution—and I assert, they are not to be considered as more protected from repeal or modification, than any other act on the Statute Book.

If they had any thing in their nature of permanent or fundamental, why did his Majesty's ministers consent to their repeal already, in two important instances; in toto, as to the Irish dissenters, by the act of that parliament of 1779—and equally so with respect to the Catholics, by the Irish act of 1793—with the exception of those reserved disabilities, against the further continuance of which I am now contending?

And here I must remind your lordships of a still later instance, and one still nearer home, by which your lordships must have seen, from some recent discussions, how little those, most conversant with the question, and therefore best qualified to decide, appeared to have agreed as to the necessity or propriety of enforcing these tests—at this day, even in the first of all your own corporate establishments, the protestant city of London itself.

Cease then, I beseech you, to oppose objections so often refuted, to the better argument of your own practice—and abandon the vain attempt of endeavouring still to uphold, as sacred things and not to be touched, those very statutes which you have yourselves already repealed and modified, again and again—to the unspeakable benefit of large classes of your fellow-subjects, and the acknowledged and rapid advancement of the prosperity of the state. But, above all things, do not calumniate the glorious settlement of 1688, by imputing any narrow principle of exclusion, to that consummation and triumph of political freedom .... The truly great man, under whose banners our ancestors made their successful struggle—that tried friend of liberty, civil and religious, is known to have consented, with great reluctance, to the infliction, on any portion of his subjects, of those disabilities, which, in this country, were rendered, perhaps, indispensable by a sad and overpowering necessity—but nothing can justify their continuance, after the necessity has ceased to exist—and what noble lord will put his hand on his heart and say, that we are not arrived already at that happy period.

For where is there now an insolent pretender to the British crown? and is there a British subject, who does not know and feel, with conscious security, that it is irrevocably seated on the brows of his Majesty's illustrious House? Where are we now to find the principle of that formidable confederacy, with which our ancestors had to contend? the assertion of the rights of exiled royalty, and of the repudiated Catholic faith. Where are now the thunders of the once all-powerful head of that church, with which he had been accustomed to shake the monarch on his throne, and to convulse the Christian world? If all these dangers have so entirely ceased to exist, that, for the proof of their ever having had an existence at any period, we can only look to the history of times long gone by—I call upon those, who will still cling to those exclusions which they can no longer defend, for one justifiable argument—one plea of even colourable expediency—for the continuance of these degrading badges of distinction—on this important class of our community—numerous, loyal, and energetic.

But what sophistry, we are asked, will satisfy those conscientious scruples, which interpose an insuperable obstacle to these concessions to the Catholics, in the oath of the king—"to preserve those rights, "which, by law, do or shall appertain, to "the bishops and clergy of the established church."

According to the constitutional doctrine, all the King's acts are the acts of the King's ministers. Even the speech from the throne is, constitutionally, so to be understood—and, from the same reasoning, these conscientious scruples, of which we have heard so much of late, are to be considered, in this House, not as those of the royal mind, but as the scruples, real or assumed, of the ministers—as such they are equally open to all the freedom of comment and observation, as every other royal power, privilege, and prerogative, for the due exercise of which the ministers are alone responsible.

And first, from the very wording of the oath, "those rights which by law do or shall appertain," it is obvious, that these rights were clearly understood by the framers of this oath, to be, like every other object of human legislation, subject to be reviewed and modified, as times and circumstances might require. Even a substantive and direct modification therefore would not infringe upon this obligation, under its strictest construction. But the Catholics presume not to solicit any such. They, on the contrary, solemnly disclaim upon oath, any intention or wish, to interfere, directly or indirectly, with the rights of the Church, as established by law.

They acknowledge, that much has been given already; so much indeed, that, comparatively speaking, little remains for the Protestant to concede, however truly valuable as an acquisition to the Catholic. On what principle is it then, that, in all the discussions from 1778 to 1793, a period of concession of fifteen years, these conscientious scruples were never awakened before? or rather, why have they been ever awakened, at any time? It is, because they have afforded a convenient vehicle for abuse, and for the misrepresentation of the motives of others; and an excellent expedient for raising a popular cry.

But these very persons, who have been most loud in their complaints, against the indecency of pressing this discussion forward—under circumstances of such peculiar delicacy, as they would represent them to be—are fully aware, that it was for the regulation of the executive branch of the royal duties, and for that only, that the oath in question was obviously framed. For how could it be supposed, to have entered into the mind of our wise and constitutional ancestors, to devise an expedient, to embarrass and impede the free functions of their own legislature, by imposing on one of its branches the shackles of an oath?—and for what?—as a check upon the proceedings of the other two.—Was either House very likely to have presumed—then in the full vigor of all our best public energies—that the interposition of such a check as this would ever have become necessary, to secure the constitution? and against whom? against the two houses of parliament themselves—and is it possible to conceive, that these very houses of parliament would ever have consented to place so unconstitutional, and, to the other two equally independent branches, so degrading a power, in the hands of the third estate? There is therefore this plain and obvious answer to be given to all these scruples of conscience—the oath of the king does not apply to the making of laws, but to the execution of them.

But where were these conscientious scruples, when even the constitutional ministers of king William advised their royal master to abolish episcopacy in Scotland in 1689, and to establish the Presbyterian religion—when he had bound himself—by his coronation oath—but three months before, to the perpetual and exclusive support of the rights of the established church? Where were these scruples, when the British Protestant government established the Roman Catholic religion, at the other side of the Atlantic, amongst his Majesty's North American subjects? And have the chances of war, which in so short a period of time have so entirely changed the face of the European world, removed altogether from our recollection, that contemptible farce, which was represented, not so very long ago, in the little island of Corsica—and under the authority, as it should seem, of his Majesty's command—when the king was insulted, by the solemn mockery of the present of a new crown; and the religion of Rome a second time established, by our scrupulous ministers?

But the truth is, that a peculiar rule of conduct, and of construction, has been established by the King's ministers, for that side of the channel to which these petitions relate.—When any thing has been claimed, on their part, as conferring an advantage—in that system of alledged reciprocity which ties the legislatures together, have we not known it to have been decided against the claim of the weaker, with all the literal strictness of a penal statute? Whilst to the more congenial doctrines of exclusion and disability, latitude of construction is given ample and abundant, whenever the claims of his Majesty's Irish Catholic subjects are brought under consideration. And therefore it is obvious, and I suppose it is necessary, so long as our mutual relations shall continue in their present state—that a British minister must have one parliamentary conscience for Ireland, and a very different one indeed for the rest of the United Kingdom, and the other dominions and dependencies of the British crown.

But Protestants and Catholics have

never drawn together, as we are told, cordially, and for the advantage of the community, in the common enjoyment of political privileges, or the joint discharge of public duties—I deny the assumption; and I call to my aid the history of the past; and every man's experience of what is daily passing in our own times.

For who has ever questioned the zeal and fidelity of Sully's services to his Catholic master, Henry the 4th, of France? Could it enter into the mind of any man to conceive, that the brilliant careers of Saxe, of Schomberg, or of Turenne, were restrained, in any one solitary instance, by the reflection, that these great generals were fighting the battles of a prince of a religion different from their own?—In the pure and simple government of the American States, who has ever complained, that the constitution works ill, because all its situations are open alike to every citizen of the Union of whatever religious persuasion?—And, in the latter establishments of imperial France, will any man affect to believe himself, or endeavour to impress on the credulity of others, that any difference of opinion, on matters of religion, has ever deprived the great and extraordinary ruler of that extraordinary people, of the full benefit of every talent, and of the united energies of all his subjects?

In proof, however, of the assumption which I am combating, the administration of Neckar has been urged, and the calamity, which so suddenly overwhelmed the unhappy prince, who had entrusted his affairs to that minister—but surely there is not a man in existence, who is prepared to attribute the calamities of France to such a source as this? truly because the king had called a minister to his councils, of a religion different from that of the state—No, it was because he had not taken good counsel before, because that government too had been insolent in the pride of its prosperity, because even the nearer approaches of danger had not taught its fatal counsellors wisdom—because the patient had not submitted himself to the new physician, till the disease had seized upon the vitals, and the power of medicine was at an end—because the time for the wholesome correction of abuses had been suffered to go by, and the grievances of the people to remain unheeded, till public discontent burst out into an open contempt of all established authority—trampled law and order, religion and royalty, under its feet—and levelled with the dust, the mighty monarchy of France—at once, and almost without a struggle—a formidable warning to every other existing government! and a signal example, of the sudden and irresistable pressure, of the general sense of oppression and injustice, on great communities of men!

I must equally combat another assertion, for it is no more, and an unfounded assertion too, however frequently made, repeated, and relied upon, viz. that the experiment, of such a communication of privileges as I am contending for, has already failed, in the experience of our own country—I deny, that such an experiment has ever been made—For surely we shall look in vain, to the wild and intemperate measures of James 2, for evidence of such a spirit of comprehension as this, equality of political rights between his Protestant and Catholic subjects was not even the professed object, at which the conduct of this arbitrary bigot aimed—his short tempestuous reign was a perpetual struggle for the ascendency of his own church, the supremacy of his own power, for the extinction of the liberty of his people—the overthrow of their religion.

Another objection arises from the conduct, which has been imputed to the petitioners, in the pursuit of their parliamentary objects, and on the recovery of those rights to which they have been restored. They are represented as unreasonable men—entirely devoid of gratitude for favours already conferred—and therefore as unworthy of any farther attention from the crown, or from either House of Parliament—to appreciate the force of this objection, it will be necessary for us to take a short review of the different periods, at which the Irish Catholics have obtained relief from the legislature, and of the peculiar circumstances, if any, attendant upon each.

The first relaxation, in 1778, came, unsolited by themselves—the measure of the King's ministers, in consequence of the royal recommendation from the throne.

The two statutes of 1782 were alike the measures of the ministers of the crown.

The government of the day cordially cooperated with that system of conciliation which they had themselves introduced—and the progress of the country in all the habits of useful industry, in numbers, in comfort, in wealth and strength, and above all, in the general diffusion of the spirit of civil liberty, and national independance—resembled more the work of magic, than the slow march of human legislation.

The liberality of the government, however, and of the Parliament, appeared to have satisfied themselves already, with the length to which their concessions had run. Accordingly in 1791, the Catholics humbly submitted their situation to the Government; but they submitted their situation in vain. In 1792, they received some trifling relaxations, in consequence of a Bill, supported by the then Irish minister—but, as a counterpoise to this apparent favour on the part of Government, the Catholics had the misfortune of feeling, in the same year, the infliction of its real and severest hostility, in the rejection of their petition by the House of Commons, and the resolutions of the obedient counties, cities, and grand juries, which were intended as a final extinguisher upon the Catholic claims.

The meeting however of their delegates, in the month of December in that year, worked a miracle in their favour—and here I must be permitted to detail some circumstances to the House, to which I am myself particularly competent to speak.

Having had opportunities of being acquainted with the proceedings of that body, and with the sentiments of some of its leading members; knowing from their feelings—whether well or ill founded I knew not—of the treatment which they conceived themselves to have received, from the Irish Government, that they were not disposed to make any further communication through that quarter—fearing that the King might have been advised not to receive their petition, through any other channel but that of his representative—and being greatly apprehensive of the effects, which would have followed its rejection, in the then temper of the public mind—I obtained from the leaders of the Catholic body, not however without the expression of great reluctance on their part, their consent to offer their petition to the Government, to be transmitted in the usual way; provided I should receive assurances, that it would be laid before the King. And I pressed, at the same time, for a recommendation on the part of the government, of the restoration of the elective franchise, however limited in point of extent, and restricted to freeholds of whatever large amount. To these representations of mine, the then Irish Minister, now a noble earl, and a much respected and regarded member of this House (the earl of Buckinghamshire), urged, amongst other objections, the impossibility of the Irish Parliament being brought to consent to such a concession. And so I was sent back to my Catholic friends, an unsuccessful negotiator—and the petition of the Catholics was presented to the King by messengers of their own.

The King's ministers however on this side of the water, happily for the peace of the country, were of a different opinion, and accordingly, in consequence of his Majesty's command, it became the duty of the noble earl to introduce, at the opening of the next session, the Act of 1793; by which, instead of a very limited power of voting, with which they would have been satisfied, at the time of my fruitless negotiation—the elective franchise is thrown open to the Catholics, in its fullest extent; and they are placed upon the footing of his Majesty's Protestant subjects in every other respect—with the exception only of those disabilities, few I confess in their comparative number, however grievous in their effect, from which their present petition seeks for their relief.

Nothing is farther from my intention, than to urge what I have stated, as any Charge against the official conduct of the noble earl. I am persuaded the noble earl was acting in strict conformity with the instructions which he had received; and I am equally persuaded, from what passed between us at our short interview, that the noble earl was impressed with an opinion of the firmness and consistency of what was then termed the Protestant ascendancy in the Irish Parliament, very different indeed from what subsequent events would appear to justify.

I have made the statement, as a complete answer to those imputations, which have been thrown upon the Catholics, for their want of just gratitude for concessions so important as these—But the Catholics could not have forgot, that these concessions, however important, were not the voluntary gifts of uninforced liberality on the part of the King's Irish representative. They were rung, by the circumstances of the moment, from a reluctant, hostile Government, and a Parliament still more at enmity with their Catholic countrymen. It was fresh in the recollection of the Catholics, that this was the same Government, which had refused to take their case into consideration in 1791—

that this was the same Parliament, in which the Commons had rejected their petition in 1792, as an avowed, an eternal bar to every hope of theirs—then and for ever—that this was the same Government, and these the same champions of the Protestant cause, who, after they had succeeded in disquieting and inflaming the country from end to end, by a wretched canvass, through every county and city, and almost every petty corporation, for the worthless pledges of lives and fortunes, to the perpetual resistance of every further relaxation—were not ashamed, in defiance of all these their mutual protestations and pledges, and when a few months had scarcely passed, to open the new year and the succeeding session of Parliament, in the suddenly assumed character of reformed patrons of liberality, and to run the race of concession, with the tried and foremost friends of the Catholic claims.

The Catholics however were not deficient in the expression of dutiful loyalty to their Sovereign, or in the decent tender of their acknowledgments to his representative. But they were not so besotted, as not to know and to appreciate, in these events so interesting to all their future fortunes, what had been due to others, to the occasion, and to themselves—and if they were disposed to forget the impotent hostility of the Irish administration—to give to the conduct of the British Ministers, the praise of firmness, wisdom and decision—and to attribute the signal success, which had crowned their cause, to the unprecedented crisis of public affairs, the justice of their claims, their own strength, and the weakness of the Government—if I say the Catholics were disposed thus to argue, and I firmly believe that these were the feelings with which they have been impressed; it must appear to every unprejudiced mind, as the obvious and undeniable result—that the Catholics have been always ready, in every review of these important transactions, to render complete justice to themselves, and to others.

But their refusal to disclaim the authority of the Pope in spiritual matters, is the master objection against them of the present day; which appears, like Aaron's serpent, to have swallowed up all the rest, No man is so ignorant as not to know. that its professed unity in doctrines, and in discipline, under one and the same declared head, is the essential, distinguishing characteristic of the Catholic Church —and yet we are told, with all the solemnity of a well-founded charge, that these Irish Catholics are the most unreasonable of men, because they will not renounce upon oath this first tenet of their religion, and consent to recognise a new head of their Church, in the person of a Protestant King. By persons who argue thus, I should not be surprised to have heard, even the oath of supremacy itself—that offspring of the vices of a ferocious tyrant—erected into another fundamental principle of the British Constitution—if every concession to the Catholic, for the last 30 years, was not *pro tanto* a repeal of that oath, and a parliamentary refutation of such an assumption.

The Irish Catholic, under the existing tests, solemnly abjures the authority of the Pope in all temporal matters—pledges himself to be a faithful subject to the King—and to defend the succession to the crown, and the arrangement of property, as now established by law—and that he will not exercise any privileges, to which he is or may become entitled, to disturb the Protestant religion, or Protestant government.

What ground of possible apprehension has ever suggested itself to the mind of the greatest alarmist on this interesting subject, which is not already provided against, effectually, by the terms of this oath.

But the Catholic will not specifically renounce, in spiritual matters, all connection with the acknowledged head of his church—And why should you require it of him? In all temporal concerns he has done so already, in terms the most explicit—and what practical injury has ever resulted to the state, from the connection between the Irish Catholic and the holy see—as it has submitted for the last hundred years—an eventful period, marked by no less than three rebellions at home; the loss of the American colonies; and, that fruitful parent of mischief, the French revolution?—at any one of these interesting conjunctures, has the slightest endeavour to sow disaffection amongst his Majesty's Catholic subjects, been ever even imputed to the court of Rome? And, if such an object had been in the contemplation of that court, would she have failed to have profited by these occasions, so obviously opportune and favourable?

But amongst some recent positions,*

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* Supposed to allude to what fell from lord Castlereagh, in the other House, on the 25th of May.

which have been laid down upon this subject, three tolerably strong assertions appear to have been made. 1st. That beyond all the states on the continent Ireland was influenced and controuled by the papal power. 2dly. That there was no country in Europe, in which the population was in a state of greater dependance upon their clergy. And 3dly. That the Catholic hierarchy had more the conduct of the Irish population in their hands, than the law, or any other influence whatever.

If the first of these positions should appear to be founded in fact, it would be no matter for wonder, when it is recollected, how great a tendency the persecution of any religious sect is known to have had, at all times and under all circumstances, to rivet the attachment of all the sufferers in the same cause, to the doctrines of that church, for the sake of which they are thus oppressed. Though I firmly believe, that the position is not founded in fact, yet, as it does not become me to assert in this place, what I cannot have the means of accurately knowing, I do not therefore think myself justified in giving an absolute denial to this broad assumption. Of this however I am certain, your lordships assuredly have in your hands, the means of making this attachment, whatever it may be, completely innoxious, by the removal of the strong cement of exclusion, and giving, to the enfranchised Catholic, an additional motive of allegiance to the state.

To the other two propositions, my own personal knowledge of the fact, in some extensive districts, and the information, which I have derived from sources the most abundant and authentic, as well as from my own observation, make it imperative upon me, to refuse my assent in the most unqualified manner.

During the whole course of the late rebellion, and of the unquiet periods which immediately preceded and followed that calamity; as well as in my own endeavours to enforce obedience to the laws, which have not been very limited, and sometimes not unsuccessful—it would be base injustice if I did not acknowledge, that I have received, from the clergy of that communion—at all times,—co-operation and assistance the most persevering, and often the most effectual. But I must confess, at the same time, that their best exertions have been too frequently unavailing:—the fact is, and it is a circumstance deeply to be lamented, that the influence of the Catholic clergy, on the feelings and conduct of the lower classes of their communion, has greatly and avowedly declined. And look into the book of human nature, and let me ask you, on which side it is that the influence ought to preponderate, in the present relative situation of the Irish Catholic pastor, and the flock committed to his charge—when your lordships call to mind, that it is to the fluctuating and precarious liberality of the Irish population, that the ill-fated ecclesiastic of that persuasion is to look, literally, for the daily bread which he is to eat?—Unless therefore dependence is considered as a source of influence, amongst my blundering countrymen, I know not where you can find its principle, in the relative situation of the Irish Catholic pastor, and of his flock.—And with respect to the hierarchy, what means of influencing can they possess, except through the intervention and ministry of their respective parish priests—situated as I have truly described them to be?

But, on the subject of that ever to be calumniated hierarchy, did not one gracious expression escape the lips of the person, by whom these positions appear to have been so authoratively laid down—and yet the venerable name of Moylan (Catholic prelate of Cork.)—his meek virtues—and zealous exertions in the cause of loyalty and good order—when the fleet of France was at anchor in an Irish harbour—could not have escaped his observation—and he too must have had opportunities of knowing, as I have had many, that a more exemplary body of men does not exist, in the whole circumference of the United Kingdom—and it is impossible that he should not have been well aware, that the Catholic clergy yield not even to those of our own established church, in the zealous and laborious discharge of all their respective duties.

For the peace of my country, and the credit of its Catholic population, I truly wish that I could agree in the view, which appears to have been taken in the quarter to which I have alluded, of the influence attributed to their clergy, either of the inferior or of the first class.—If they really had that weight, I should agree most readily, that no system of law would be so efficacious—and I am equally satisfied as to the fidelity of its application, to the enforcement of loyalty and submission to the law. But it is a melancholy fact, considered either necessary or desirable with a view to the security of our religious and constitutional establishments, or even to obviate what they might conceive to be the prejudices of their Protestant brethren.—Late events, to which he should have occasion to advert presently, had very much shaken, although he should be sorry to admit, that they had altogether overthrown, the favourable opinions he had formed of the disposition of the Irish Roman Catholics. On the contrary, he was still sanguine enough to hope that the time was not far distant, when the present ferment in the Irish Roman Catholic mind; created, fomented, and continued, no doubt, by those who were hostile to further concessions, would subside; when cool reasoning would take the place of brawling violence, and more liberal sentiments towards those with whom they express a desire of coalescing, and a better sense of their own interest again resume their influence over the councils and opinions of the Irish Roman Catholics;—already, publications had appeared from the pens of some learned and worthy persons of that communion, the sound and able arguments of which do as much honour to their understanding, as the liberal manner in which the whole subject is viewed, both as affecting the Protestant establishments, and the interest of the Roman Catholics, does everlasting credit to the hearts and feelings of their authors. It is impossible that publications of this sort, at once consistent with the Roman Catholic faith, and calculated in unison therewith to impress the necessity of security to the state in the event of further concession, should not have their effect. For the present however, the recent conduct of the Irish Roman Catholics had rendered any legislative step favourable to their wishes, in his mind utterly impracticable; by their own conduct they had in the most effectual manner served the views of their enemies, by depriving those who thought favourably of their admission to further privileges (but who, at the same time are not therefore the less disposed to maintain the ecclesiastical and civil establishments of the country inviolate, and to secure the independence of the state from foreign influence) of every argument in their favour. By their own conduct they had fortified every objection against their claims, and restored to their full vigour the dying prejudices, which though the antient misconduct of those of their communion, had legitimately created; modern professions on their part, and modern liberality on the part of the Protestant, had almost extinguished.—There remained indeed much ground for the Irish Roman Catholic to tread back, before he could place himself in the same favourable situation in which he stood prior to the events already alluded to.

Much as he should conceive that it would have consisted with true policy, wisdom and expediency, to admit the Roman Catholics to further privileges, if they had come forward in their demands, with a true conciliatory disposition; if, setting aside all bigotry and intolerance with which they have of late been so profuse in their charges upon us, they had shewn a desire to obviate well founded objections, by submitting to such restraints on their church discipline, as (without affecting the Roman Catholic faith) would at once have afforded security to the ecclesiastical and civil establishment and independence of the state, and at the same time have enfranchised their own church from that state of abject slavery and blind submission to the see of Rome, of which, at this day it furnishes a solitary example to the rest of the universe; much as he should conceive that it would under such circumstances, have consisted with true policy, wisdom and expediency, to have forwarded the views of the Irish Roman Catholics, he should think it the very reverse of all these, while they should continue to evince contrary dispositions.

Can those safely be admitted into the confidential offices of the state, or into the legislature, who assert in practice, although they deny in theory, a power utterly inconsistent with the independence of the state? can they be deemed safe guardians of our ecclesiastical establishments, who have of late shewn such bitter enmity to our church, and deny the means by which those establishments can alone be rendered secure, consistently with further concession? Why go into a Committee to form arrangements, when one of the necessary parties to these arrangements tells us in advance, that he will consent to nothing? Why seek to make conditions, when every one of the petitions are studiously framed upon the principle of absolute and unconditional concession?

Lord Clancarty stated himself to be happy to find that the noble earl (lord Donoughmore) had very cautiously abstained from urging any* argument in support of his motion founded upon the alledged right of the Roman Catholics; he should not therefore take up their lordships time, in restating arguments by which reasoning of this nature had been so often, and so unanswerably refuted.

But somewhat had been said by the noble earl, and much at all times been stated both in and out of parliament, of the necessity of conciliating the Roman Catholics of Ireland; and for the beneficial effects of conciliation rightly understood, there was no man more an advocate than himself. It should however, be recollected that as there were two parties to every act of conciliation, viz. the party to conciliate and the party to be conciliated, so there were corresponding dispositions of mind in each of these parties, essentially necessary to render the work of conciliation complete.

Upon the part of the Protestants let it be asked whether the whole of his Majesty's reign had not presented one uniform course of conciliation to the Roman Catholics? If an instance was wanting super-eminently to mark this, a better could not be selected, than that adduced for a very different purpose by the noble earl, when in 1793, the parliament of Ireland, at the recommendation of the crown, extended the privileges of the Roman Catholics, so far beyond what the noble earl states to have been the then expectations of that body. An act of beneficence which the noble earl, speaking, as he appears to do, the sense of the Roman Catholics of Ireland, would with better policy, as well as better grace, and more propriety and justice, have attributed to its true and benevolent source, than to the base motive from which he stated it to have originated.

But for a more recent vindication of the Protestant disposition upon this question, let it be asked, whether when a noble baron (lord Grenville,) whose absence from this House, as well as the cause of whose absence, we all regret, let it be asked whether when that noble lord felt himself at liberty, to express a strong opinion, founded on that of the immediate agent of the Roman Catholic clergy, that the Roman Catholics of Ireland would be willing to submit to a negative upon the part of the crown in the appointment of their prelates; a sentiment almost universally favourable to their cause did not arise throughout the country?

Weak and utterly inefficient, uncoupled with others of a stronger nature, as he should ever think what has been called the Veto, would have proved as a security to our ecclesiastical establishments and to the independence of the state, a general feeling was not the less created in the Protestant mind towards the Roman Catholics, at such an indication of a conciliatory disposition.—Not having then the honour of a seat in either house of parliament, he could only speak of the favourable sentiments created by this proposal within doors from the testimony of others; their lordships, however, were competent to decide whether he had been wrong in thence concluding that a very considerable impression had been made in parliament, by the apparently authorized proposal made by the noble lord. But to the effect produced by it out of parliament, he could speak with greater confidence, and assert without the fear of contradiction, that a sensation almost universally favourable to the further extensions of Roman Catholic privileges, was every where perceptible, and that very many of those who would not theretofore, have regarded further concessions to the members of that communion without the greatest reluctance, were thereby rendered converts to their cause, and would no doubt so have continued, had the Roman Catholics themselves not interfered to destroy the fabric, which Protestant benevolence was thus in the act of raising for their advantage.

Was this favourable disposition on the part of the Protestant met by a correspondent disposition on the part of the Roman Catholic?

Shall we find any thing like an inclination to conciliate, in the resolutions of their titular bishops in September 1808? Or in the resolutions lately passed by them in the month of February last, upon some of which he should have occasion presently to observe? Shall we discover any indication of a mind desirous of conciliation in the appointment of Dr. Milner as the agent of the titular prelacy at the seat of government; a man of all others the most unfit to have been selected for such a purpose, a person of a most unbending disposition, bigotted to his own religion, intolerant of ours, one who says and unsays at pleasure according to the changes of the day; who authorizes the noble baron (lord Grenville) and other distinguished advocates for the Roman Catholics (Messrs. Ponsonby and Grattan) in another place, and this under his hand, to assure parliament of his persuasion that the titular episcopacy of Ireland will cheerfully submit to an effectual negative in the crown in the appointment of their prelates; and afterwards not only denies having so done, but in his published letter to Mr. Coyne, asserts that he would rather lose the last drop of his blood than be instrumental to a non-catholic king's obtaining any power or influence over any part of their church.

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* Although lord Donoughmore in his opening speech did not touch upon the Roman Catholic claims, as founded in right, in his reply he very fully adopted this mode of reasoning.

This is Dr. Milner's mode of keeping faith with heretics—this is his comment upon that part of the oath taken by him in common with the other Roman Catholics of the empire. Shall we find a disposition to conciliate in the unanimous thanks voted to this gentleman, by the titular prelacy, and their reappointment of him as their agent in February last, after all this conduct, after these and other offensive publications, more particularly after that of his Tour through Ireland, in which he labours to irritate the people of Ireland against British connection, in which he falsely slanders, and endeavours to debase and vilify all that is respectable, and to exalt all that is base and seditious?—Shall we discover a conciliatory disposition upon the part of the Roman Catholics of Ireland, in the encouragement given to various other publications aiming directly to ridicule and degrade the established church, and which disgrace the press of that country? He would wish more particularly to call their lordship's attention to the republication of Ward's Errata of the Protestant Bible, and Controversy of Ordination, ushered into the world as it had been under the patronage of upwards of 100 of the Roman Catholic clergy, of several of those who were enjoying the benefits of Protestant liberality and munificence in the college of Maynooth, and of a very considerable number of their laity, all of whose names were pompously set forth in the first pages of this book,—a work which had been rightly described by a divine of our church as having been first published in 1688 for the purpose of vilifying and degrading the established church, and republished in the year 1807, for the same purpose;—a publication in which the predecessors o the most reverend and right reverend prelates on the bench, and by clear deductio those very reverend prelates themselves are asserted to be usurpers of their spiritual and episcopal functions.—Such is the disposition to conciliate of these patronizers of this work; such their regard for our church establishment; such the method in which they fulfil the oath taken by them under the Irish statute 33 Geo. 3, c. 21, in which they have sworn not to exercise any privilege to which they then were, or might become intitled, to disturb and weaken the protestant religion, and protestant government in this kingdom.—He had not stated these instances of indisposition upon the part of the Roman Catholics, with any view of irritating the feelings of those, who were hostile to them, or with any desire to perpetuate the memory of transactions so little honourable to those who bore a share in them; but for the honest purpose of warning the Roman Catholic clergy, if they were really desirous, as they professed to be, of obtaining from their lay brethren those further privileges sought by them at the hands of parliament, (and their sincerity in this respect had been very reasonably doubted from their late conduct,)—for the purpose he said of warning the Roman Catholics of every description; if they were really desirous of obtaining the extension of privileges stated in the prayer of their petition, to pursue a very different course, from that which they had recently adopted,—of teaching them that the path they had followed had been falsely chosen, and was likely to lead them to an irretrievable distance from the goal at which it was their object to arrive.

Lord C. next adverted to the late resolutions adopted by the titular prelates of the Irish Roman Catholic church, in the month of February last, and contained in their Address to the clergy and laity of the Roman Catholic churches in Ireland, a copy of which he then held in his hand.

The first of these resolutions is, "That "it appertains to the order, charge, and "spiritual authority of bishops in the Ca-"tholic church, and is inseparable from "their mission, to propose, entertain, and "judge, without any lay intervention, on "points of christian faith, and of general "discipline."—Now he would undertake to say, that there was not in any country on the globe, whether under a Roman Catholic or Protestant government, any body of Roman Catholic bishops who would, at this day, presume to arrogate to themselves, much less who would dare to execute powers co-extensive with those assumed by the Irish titular clergy, by this resolution. Surely it was not necessary for their lordships to be told that the discipline of a church, and especially of the Roman Catholic church, involves much matter of temporal concern, and consequently that the assumption of an exclusive power to propose and judge without lay intervention on points of discipline, is a direct assertion of a temporal authority, assumed by the Irish titular bishops to the exclusion of the throne, the government, and the legislature of this kingdom.

While this resolution, so directly subversive of the independence of the state, remains unrevoked, it would be utterly impossible for the legislature of this country, to proceed one step further in this business.

The second resolution merely confirms the resolution of September 1808, which stated it to be the decided opinion of the Roman Catholic prelates of Ireland, that it was inexpedient to introduce any alteration in the mode hitherto observed in the nomination of Irish Roman Catholic bishops.

Upon the third, principally, and partially, on other succeeding resolutions, those already cited seem to be founded.

The third resolution sets forth "That "the oath of allegiance, which, under the "provisions of an Irish act of parliament "is tendered to, and is taken by his Ma-"jesty's Irish Roman Catholic subjects, "was agreed to, and approved by all the "Roman Catholic bishops in Ireland," &c. "—And that said oath contains such ample "declaration of civil faith and attachment, "such total and explicit abjuration of all "foreign pretensions, whether spiritual or "temporal, to intermeddle in the civil es-"tablishments or laws of this part of his "Majesty's dominions, as that they do "not conceive any security or pledge can "be more more effectual."

As far, he said, as the oaths referred to in this Resolution went to the total abrogation of all those pernicious doctrines formerly attributed to the members of the Roman Catholic church, they were, indeed, very valuable securities, and he was happy to state it as his firm opinion, that the titular bishops, and other pastors, of their church, did very sedulously teach their respective flocks, that so far from any of these tenets so dangerous in themselves and so solemnly disavowed, forming part of the Roman Catholic faith; they were in the highest degree impious and antichristian. But, further than the renunciation of these formerly imputed doctrines, he could not admit that these oaths furnished any effectual securities on the points at this day to be looked to.—It is true, they contained an assertion of their belief, that neither the pope of Rome or any other foreign prince, prelate, state, or potentate hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly within this realm. But did not the Roman Catholics consider, and was it not the very essence of their belief, that the pope was the supreme head on earth, over their church, both in matters of doctrine and discipline? Is it not well known that many matters even of their faith, as in the instance of marriage, are of a mixed nature, involving as well concerns of a temporal, as of a spiritual nature? and is it not obvious that regulations concerning the discipline of their church, must necessarily affect things temporal? Who then, in the event of any papal bull, mandate, rescript or other instrument, concerning these matters, is to be the judge of its bearing and effect on the temporal concerns of the state; who is under their oaths to determine how much of their mixed jurisdictions belong to God, how much to Cæsar? Why, doubtless, the persons who take the oaths were alone, as things at present stood, competent to decide this question.—Now this was the very thing of which he complained, and which in direct contradiction to this 3d Resolution, evinced the urgent necessity of some further and better securities for the preservation of the independence of the state.—For besides the utter impossibility of recognizing a principle, which would place the temporal independance of the constituted authorities in all matters of a mixed nature at the disposition of others; let it be considered, what was the description of persons in whose hands this power was placed. It was not his intention, neither had he any inclination, to speak otherwise than with respect of the Irish Roman Catholic hierarchy; but in addition to the known and acknowledged propensity of all mankind to acquire power, and to extend it when acquired; the historic pages, laws, and records of every age and country, since the establishment of popery, would furnish sufficient proof that the clergy of that church were of all other description of persons, most desirous of encroachment. But even if, contrary to all past experience, we should admit, that no such love of power could exist in the minds of the papal hierarchy of Ireland; is it not obvious, that with the very best and purest intentions, men whose peculiar duty it was to advance the concerns of their religion, would be apt, in their determination upon any regulation of discipline, whether emanating from themselves under the exclusive power, set up in their first resolution, or from the authority of the chief of their church, to overlook the temporal effect, in the spiritual advantage, and thus, with the utmost innocence of heart usurp upon the prerogatives of the temporal government; parliament can never admit of things being placed in this situation.—If, indeed, the power of deciding upon their points of discipline, was placed in the hands of the temporal government, under the responsibility of ministers, as is ought to be, and this with perfect consistency and accordance with the Roman Catholic faith, then indeed, there would be found that security against foreign interposition which is asserted by the 3d Resolution, but which, as matters actually stand, does not in effect exist.

To shew, however, that this abstinence from all desire to interfere in matters of a temporal nature, or to affect the temporal concerns of the subjects of Ireland, by the spiritual means placed in their hands, however it might influence the minds of some, was certainly not a universal sentiment among the Roman Catholic titular bishops; he should take the liberty of mentioning a case which had recently been decided in the court of King's bench, in Dublin.

Such of their lordships as had a copy of the Resolutions of the titular bishops, if they would turn to the signatures, would find the name of Peter Mac Loughton. This person was titular bishop of Raphoe, and an action was brought against him by one Philip Boyle, a shoe-maker of the town of Ballyshannon, under the following circumstances.

A Roman Catholic chapel had been built by subscription in that town, and considerable discontent prevailed among the lower order of inhabitants, because the parish priest had taken off a large portion of the most convenient part of this building, for the purpose of erecting seats for the more opulent, which he sold for his own advantage. The plaintiff Boyle, probably from being more loud, and less restrained in his opposition to this proceeding, unfortunately attracted the displeasure of the church, the effect of which was that a sentence of excommunication was fulminated against him by the defendant Mac Loughton in his character of Roman Catholic bishop of the diocese; the consequence of which, as he understood, was loss of trade and ultimate bankruptcy.

The cause came on to be tried at Lifford, at the Spring Assizes 1809, when a verdict was given for the plaintiff with damages to the amount of 125*l.*—The judgment was however arrested; and from a praiseworthy motive in the court of King's bench, who seemed desirous to prevent scandal, by recommending the affair to be compromised, it stood over from time to time till the last term. As a purse had however been collected to support Boyle, so as he understood, a weighty one was formed by the Roman Catholic dignitaries to support the bishop; and a few days only since the court of King's bench solemnly delivered their opinion in favour of the plaintiff.

He had not adduced this case for the purpose of insinuating that the sentence of excommunication, according to the true tenets of the Roman Catholic faith, professed to have any other effect than that of depriving the party of spiritual comforts; on the contrary he gave credit to Dr. Troy's assertion, that the privation of spiritual communication was according to the doctrine and discipline of their church, the sole consequence of such a sentence; but he had adduced it as an additional instance, to mark that the practice of their prelates were not always in conformity with the theories of their religion, and for the purpose of shewing as well from the facts on which the action was founded, as from the support which the defendant's cause had obtained from their dignitaries, that the Romish hierarchy were not averse to the assumption of temporal power, or that temporal effects should flow from the spiritual means at their disposal, that they would therefore be unfit persons to decide in matters of mixed concern, as to the proportion of power they should reserve to themselves, and how much they would permit to be exercised by the temporal government, and consequently that the securities of the existing oaths referred to in the 3d Resolution, were incomplete and ineffectual.

But if any doubt could still exist as to the necessity of further securities in the event of a further extension of powers to the Roman Catholics of Ireland, surely this would be to be found in the present situation of their spiritual head, actually a prisoner in the power and custody of our arch-enemy.—Neither was the pope's captivity overlooked by these Resolutions, although it was somewhat curious to observe the manner in which the titular bishops of Ireland therein treated the subject.

By their 10th Resolution they in advance "annul and cancel as to any effect "all briefs, or pretended briefs, bulls, or "pretended bulls, rescripts, even as of his "proper motion, and certain knowledge, "bearing title as from his said holiness, "and purporting to be declaratory of his "free, or of any resignation of the papal "office;" hereby affirming, what no man can doubt, that the pope, while in captivity, may be constrained to affix the stamp of his authority to acts contrary to his free will and opinion; while, strange to say, the act of his resignation is the only one in which they seem to conceive it possible that such coertion can be effectually used; for the other Resolutions from the 7th to the 12th inclusive, go either directly or indirectly to affirm the other powers of the pope as actually subsisting, and existing in him, his captivity notwithstanding. Now it was well known, and this power was actually referred to in the 12th Resolution, that authority ever acknowledged, and sometimes actually exercised did exist in the pope, of his own mere motion, and without any election either of the titular bishops or any other persons, directly to appoint to the vacant titular sees in Ireland. Nay, an instance of this sort either had very recently happened, or was at the present moment in progress to happen, by the appointment of a successor to the late Dr. Dillon, in the arch see of Tuam, the person either actually appointed, or about to be appointed having never gone through even the ceremony of election; but having, through the intercession of Dr. Dillon, been appointed his coadjutor, by the sole authority of the pope, is now by the same authority advanced to the archiepiscopacy, without ever having undergone any election. Is it then, he would ask, too much to suppose that Buonapartè, that pious, and worthy eldest son of the Roman Catholic church, might think it expedient through the coersed anthority of his prisoner, not only directly to appoint creatures of his own to all the vacant titular sees in Ireland, but through the same means absolutely to govern the Roman Catholic church of that country, and thus acquire the power and influence which would necessarily flow from such policy? And would not the titular bishops of Ireland blush with confusion at the bare thought, that in such an event of which in their 10th Resolution, they had absolutely foreseen the possibility, while they refused to their own benign and tolerant sovereign, guarded by the responsibility of his ministers, the exercise of a simple negative in the appointment of their prelates, they throw open the whole dominion of their church to the most merciless of tyrants, and the bitterest enemy of theirs, and of every other religious faith under heaven.

Much had been said in another place (by Mr. Grattan) upon the subject of what has been called domestic appointments, and those have been urged as a substitute for the negative upon the part of the crown, to which the Roman Catholics refuse to submit, and the noble earl has likewise touched upon this subject; (here lord Donoughmore dissented)—he should be sorry to mis-state any man, neither did he think he had merited the interruption by mis-stating the noble earl; the noble earl had certainly not mentioned domestic appointments in direct terms as a substitute for the veto; but he had strongly commended the Resolutions of the Roman Catholics of Tipperary and Kildare, to the attention of the House, the whole object of which was to set up these domestic appointments, as calculated effectually to answer every purpose of security proposed by the veto. He therefore thought himself fully warranted in stating that the noble earl had also referred to this subject, (to this lord Donoughmore nodded assent.)—Those who urged this matter of domestic appointments, had not thought fit precisely to inform us what was meant by them; neither had they told us whether the Roman Catholic clergy of Ireland were more likely to assent to this, than to the former proposal concerning the veto. For his part, the only sense he could affix to this proposition of domestic appointments was this, viz. that in future, all vacancies in the titular sees should be filled up by the election of the Roman Catholic bishops or others, to the exclusion of direct appointments by the pope; but if this is the true sense in which this proposal is made, in addition to what is stated in the fifteenth Resolution, we know in advance from the other Resolutions, more especially the 9th and 14th, that the titular bishops of Ireland will not consent to it, even weak and inefficient as it is to any purpose of security. By the last of these a negative seems put to any present change in their ecclesiastical appointments, while the 9th, which is one of those Resolutions upon which the refusal of the veto in the crown is sought to be supported, sets forth, "that the spirit of fellow suffering, with "the afflicted church of Christ, and of "abhorrence of the misdeed, by which "the salutary function of the papal see "has been intercepted, through open violence against the meekest of men; as "well as the sentiment of duty, fraternity "and reverence towards our guiltless "brother and spiritual chief, forbid us to "take up, as spoils, any part of the right "of the apostolic see, so invaded, violated, "and trodden down, for a time, by sacrilege." Now it was not within the scope of credibility, that after, on such principles, refusing to their sovereign that which in its utmost presumed exercise, would scarcely in a degree the most minute intrench upon the full plenitude of apostolic power,—they should themselves, in direct violation of these principles, usurp to themselves so important a branch of the acknowledged papal prerogative, as that by which the head of their church was authorized to make direct appointments to the titular bishoprics of Ireland. It was impossible that while they put forth the generous and praiseworthy motives contained in the 9th Resolution, in order to defend the powers and privileges of the holy see, against all others, they should suffer these motives to sleep rather than suffer them to interfere with the gratification of an illicit lust of power in themselves. It was consequently impossible, consistently with this 9th Resolution, that these domestic appointments, even if they did, as he thought they did not, furnish any thing like a security, could be assented to by the papal clergy of Ireland.—These Resolutions, thus adopted by all the titular bishops of Ireland, were immediately communicated to the laity of that persuasion, and at a meeting of the general Committee of that body on the 2nd of March last, stated to have been respectably attended by the different members, from all parts of Ireland, thanks were unanimously voted to the titular bishops for such communication, and a substantive Resolution adopted by them to the following effect: "That as Irishmen, and as "Catholics, we never can consent to any "dominion or controul whatsoever, over "the appointment of our prelates, on the "part of the crown, or the servants of the "crown."

These acts have not been since disavowed or ever reclaimed against, by any portion of the Irish Roman Catholics, so that they must be taken not only as the acts of the clergy, but of the lay members of that Communion.—Such then he stated to be the Resolution of the Roman Catholics of Ireland, by which they refused to the state any interference, however slight and indirect, in their church management; at the same time, that they sought at the hands of parliament, a direct, positive, and substantive interference in the affairs of ours.—Where he would ask was the reciprocity of this proceeding?—If two independent states entered into negotiations for a treaty, reciprocity and equality were the basis on which such negociation would proceed, but it should seem, in the present disposition of the Irish Roman Catholics, that principles of this nature were then thought to be too favourable to be admitted in an arrangement with their sovereign. —It was on every ground to be hoped, that better dispositions would soon influence their conduct, for while they should continue thus blind to their own interests, thus bigotted to the opinions of their enslaved and degraded church, it would be absolutely impossible for their lordships to entertain any proposition for the further extension of their civil privileges.

Although he could not admit a hope to be held out to the Roman Catholics of further privileges, while their sentiments continued as they were; still less consent to going into a Committee on their petitions, under the conviction that every arrangement which could be therein devised, would be refused on their part; he could not agree with a noble earl (lord Grey) who in presenting one of these petitions, he understood to say that it would be unwise in the advocates for the Roman Catholics to state their views of the stipulations which should be made for security to our establishments, in the event of conceding further privileges.—Neither could he admit the reason stated for this forbearance, by a distinguished supporter of

Roman Catholic concession (Mr. Ponsonby) in another place, viz. that statements of this sort were likely to promote cavil, and enable the enemies of the measure to irritate and excite the parties one against the other. For his part, he saw this matter in a very different light,—he was of opinion, that the sentiments of the leading members of both Houses could not be too publicly made known upon this subject, conceiving as he did, that so far from serving to irritate and separate, the publicity of the terms and conditions of arrangement, calculated to secure the constitutional establishments of the state in concurrence with the admission of the Roman Catholics to further privilege, would be the best means of drawing the parties together, and to reconcile each to that arrangement, in which the interests of both were so much concerned.

The Protestant, by shewing him that those who were truly desirous of extending the privileges of the constitution to the Roman Catholic subjects, were not unmindful of the interests of our own establishments, and of the necessity of strong and effectual security for their inviolability and permanence; the Roman Catholic, by making it manifest that the full and free exercise and enjoyment of the faith derived to him from his immediate ancestors, would not only remain uninjured by such arrangements, but would in effect be doubly secured to him; his church rendered more respectable, and his clergy raised in public estimation, and their legitimate power and influence acknowledged, augmented, and supported.

Under this impression, although he was far from thinking that he fell under the description of those, whose sentiments upon this point it would be most desirable to have known, yet as the subject had received his best consideration, he thought the knowledge even of his sentiments upon it might be attended with advantage.

He should therefore, with the leave of the House, shortly state the leading points of such an arrangement as he thought ought to satisfy both parties. The objects to be obtained were, on the one hand, security to the protestant for the inviolability of the constitutional establishments; and on the other, a guarantee to the Roman Catholic for the free enjoyment of his faith. And it appeared to him that a very obvious method, and one which had been to a greater or lesser extent adopted in all other states, whether Roman Catholic, Protestant or Greek, in similar arrangements, presented itself for the accomplishment of both these objects, viz. that of taking the broadly manifested distinction between matters of faith, and matters of discipline, as applicable to the Irish Romish Church, and leaving the former untouched, place the latter so much under the control of the state, as to insure the independance of the temporal government, and with it the security and permanency of our ecclesiastical and civil establishments. It would, therefore, enter into his views to secure by legislative declaration, the full and free enjoyment of their religious tenets, to those professing the Roman Catholic religion in Ireland; in addition to which, as well for the purpose of rendering the situation of their clergy more respectable, as well as independent, he should wish to recommend a measure desirable under every point of view, and under all circumstances, but in his mind absolutely essential when coupled with that of granting further privileges to persons of that communion, he alluded to the measure of making a national provision for the Roman Catholic prelacy and inferior clergy of Ireland. Having done this for the Roman Catholics, with a view to the further concession of privilege, as a security to the Protestant, he should place the whole of the discipline of their church, whether originating from general councils, from the authority of the pope, or from that of the titular bishops of Ireland, as asserted by them in the first of their late Resolutions, under the view of the executive government, subject of course, as every other act of this government must be, to the responsibility of ministers, so that no part of the discipline could be brought into action, save with the consent of the executive magistrate; and thus a thorough and efficient guarantee be afforded both as against the interference of foreign authority in matters of a temporal nature, as against what would be eqully pernicious in point of principle, and perhaps even more to be avoided in point of practice, the interposition of a self arrogated authority and influence in temporals by the subjects of the state to the exclusion of the sovereign.

This arrangement would necessarily include the power of negativing not only the appointments of such prelates as might be obnoxious to government, but would include a similar negative upon those of the inferior clergy, and at the same time prevent the issue of any papal bull, mandate, rescript, or other instrument of the see of Rome, save such as should have received the sanction of the temporal power. By an arrangement on such principles, both the government and the Roman Catholic religion exercised by the subjects of Ireland, would be placed in their proper situations, the former in full exercise of its temporal authority, competent to watch over the morals and education of its subjects, a matter of which of all others, the people of Ireland stood in the most need, and without the power, (under the legislative guarantee of parliament) to injure the Roman Catholic, except under such a dreadful weight of responsibility, as no man would be bold enough to encounter; the latter in the full enjoyment of his religious faith, under the fostering protection of the executive and legislative authorities, and in close union and connection as it would then be with them.

He was aware that an arrangement of the sort would be objected to by the Roman Catholics of Ireland; in the present disposition of their minds they would in truth object to any thing; he was also aware that all those assertions, rather than arguments, to which the present ebullition in their minds had given birth, would again be vociferated. But the question was not, what in the present frame and temper of their minds they would be found willing to acquiesce in, but to what they can submit consistently with the religious tenets of their faith? for to this extent, when they are seeking indulgences, the state has a right to expect their submission.

Now there is no distinction taken, certainly none from any authority that he had ever read of in their church, between submission to such constraints in their discipline, in a protestant state by a protestant government, and submission of a like nature under a Roman Catholic prince. And if it is necessary (and it has uniformly been found necessary) in all Roman Catholic countries to secure the temporal government against papal encroachment, and against the usurpation of the clergy acting under papal authority; and surely it will not be said even by the Irish titular bishops of the present day, that it is less necessary to guard against these under a Protestant, than under a state acknowledging the spiritual supremacy of the see of Rome. It was never expected, even that the decrees of general councils in matters of discipline should be received and executed in any state, except after having been viewed and approved of by that state; thus for example the decrees of the council of Trent in points of discipline, were never received in France at all, and even in Spain were only partially and conditionally adopted.—Shall it then be said, that a Protestant state is to be deprived of a similar security? or that a Protestant prince is to submit to an eventual interference of the pope, and of his own subjects acting under the authority of the holy see, in the temporal concerns of his dominions, which no popish state, however bigotted in its belief of the papal vicegerency, would ever for a moment tolerate or admit.

But how does this matter stand with respect to the Roman Catholic inhabitants of countries, who equally with us disavow the supremacy of the Roman Pontiff? In upper Silicia under the king of Prussia, they submit even to a more extensive interference on the part of their prince, for he actually nominates to their prelacy, in addition to the other powers of interference already referred to, yet the Roman Catholic inhabitants of this extensive and populous province, are not the less esteemed as good Catholics; so in the archiepiscopate of Mohillo, the emperor of Russia, similarly extensive with those of the Prussian Monarch;—so in the United Provinces, powers of the same nature are vested in the civil magistrate. A distinction will doubtlessly be attempted to be made between matters of essential discipline, and matters of discipline not essential; and it will be said that the former cannot be placed at the option of a Protestant prince, or his minister, to accept or reject, without danger to the Roman Catholic religion.—But if, as is the fact, in the despotic monarchy of Prussia, the prince exercises this power in matters of discipline of every description; where is there danger from the existence of a similar, though less extended power in the government of this country.—If in Prussia a despotic military government, where the will of the prince makes the law, where there exists no guarantee against the abusive and oppressive exercise of the uncontrolled power of the crown, greater powers of interference in their church exist, than are here suggested; can it be reasonably said, that in this country, where every act of the crown is performed under the strict responsibility of ministers; where upon the matter actually in question, no minister dare, in direct opposition to the solemn guarantee and declaration of parliament securing the Roman Catholic faith, to impede the execution of any really essential branch of their church discipline: where a dreadful responsibility would attend him if he should so dare; while at the same time there would not be wanting in parliament, persons of their persuasion at all times competent and willing to call forth this responsibility whenever necessity should require it; can it then be reasonably said, that in this country, the exercise of such powers could be successfully used, to the detriment of the Roman Catholic religion? If then in the Protestant states of Prussia and the United Provinces, if in the sysmatic state of Russia, if in every Roman Catholic state, and it may be added, if in every state in the universe where there are any proportion of inhabitants of that persuasion, arrangements upon the principles already described have been made, or powers of a similar nature assumed and exercised by the temporal government submitted to, shall the Irish Roman Catholic alone venture to say, that he cannot conscientiously submit the discipline of his church to similar control?—If so, he ventures to affirm that his church is, and ever must be, incapable of coalesing with the state, he pronounces sentence of eternal exclusion upon those of his communion;—he asserts that his church is unlike every other christian church in the universe, and demonstrates either that the boasted maxim of his professed religion, viz. "that the "Roman Catholic church is the same in "all countries" is an impudent falsehood, or that the Irish church, however much it may be Roman, however much it may be Popish, certainly had no claim to stile itself part of a Catholic or universal church.—Was the Irish Romanist prepared to go this length?—But it might be said that though submission to such matters as should be necessary to the security of the state, might willingly be acquiesced in by the Irish Roman Catholics, yet it could not be done without the sanction of the pope.—This he was willing in the fullest manner to admit; but then it behoved those who came forward to seek indulgencies, to shew that they were in a situation to receive those indulgencies without injury to the granter, and consequently it lay with them, to obtain from their spiritual chief, those concessions which were necessary to place them in a situation to give full security to the state; which if he should refuse, their quarrel ought to be with him, and not with the government or legislature of this country. He had now gone through the leading points, which most pressed upon his mind; on this question, he had stated himself as he most conscientiously was, a true friend to the measure of further concession, whenever the Irish Roman Catholics should return to a better mind, and shew themselves competent to receive those indulgencies which they sought; he had warned them against the course they had latterly pursued, as calculated to place them at a distance not to be retrod from the objects they professed themselves desirous of acquiring; and he had lastly pointed out to them the route by which, in his judgment, they safely might travel, consistently with the best interests of their religion; and by which, he conceived, they could not fail to arrive at the objects sought. And he should conclude by again urging to them the necessity of far different conduct than that lately adopted by them both in feeling and action, towards the government, the ecclesiastical establishment and legislature of this country, till the arrival of which he should feel it his duty to oppose any further progress towards the accomplishment of their wishes.

Lord *Erskine.*—My lords; I shall support the motion of the noble earl who opened the debate; indeed I can find nothing in the arguments of the noble lord who has just sat down, which even questions the propriety of going into the committee that has been proposed.—The motion of the noble earl, is not that we should comply with the full claims of the Catholic Petition (for if that had been the question, there would have been some weight in the objections we have heard, and I should have been as forward as the noble lord himself to oppose so sudden and so unqualified a concession; but no such unqualified concession, nor indeed any concession whatsoever, has been proposed, but only that your lordships, according to the usual forms of parliament when matters of moment are presented for deliberation, will resolve yourselves into a committee of the whole House to consider them deliberately, whether it be practicable to comply with a Petition on your table which you have received; and this you must have done without any motion at all, unless you were prepared indignantly to refuse even to take into notice or consideration the prayer of upwards of four millions of subjects, a large proportion of the whole population of Ireland.—This is the only question, if a question it can be called at this aweful crisis, when independently of the demands of justice, it becomes an imperious duty to conciliate the attachment of so vast a portion of the population of the empire. Surely, my lords, if every idea of political prudence is not to be madly abandoned, the perilous situation of our affairs demand the most prompt, and the most affectionate attention to the dutiful and respectful representations which you are now called upon to consider.

For my own part, my lords, rigidly educated as I have been in Protestant principles, and I am afraid not without obstinate prejudices against the Catholic faith, I cannot even figure to myself a doubt or difficulty, upon the subject in the shape it comes before us; because the question now to be decided, is not whether the Roman Catholic religion be good or evil as a religion, but whether so long as it exists amongst so large a proportion of the population of Ireland, we are not called upon so to deal with its professors as to make them safe and sound members of the British empire. How this may be best accomplished the motion does not even predicate, it only asks you to take it into consideration.

My creed upon this momentous subject, is to be found in a letter to lord Fingal, lately printed, and in the hands of every body, as written by a noble lord, whose absence we regret in common. That letter places the whole subject in a point of view so clear and unanswerable, as to defy all criticism from opponents, and to mock all commentary from those who like me subscribe to it. It bears indeed, in every line of it, the stamp and character of a great statesman and an honest man. It states great difficulties, but they do not touch us to night. My lords, it was by the merest accident that I happened to see, only two days ago, the Resolutions of the Roman Catholic clergy on the subject of the veto, a qualification, which I have always understood that my noble friend, to whom I have just alluded, was formally authorized to propose, as with the supposed consent of the whole body of the Catholics, whose opinions were taken to have been perfectly well known to lord Fingal and to Dr. Milner. No man laments more than I do, the unfortunate change which appears to have taken place in that respect, a change which undoubtedly has raised up formidable obstacles (but I trust not unsurmountable) to the great work we are engaged in, but, which by the various modifications that a committee would no doubt originate, might be composed and done away.

Whatever may be the religious objections on this head, in the shape they take at present, I trust they will be found in some mode or other to present no bar to the civil claims of the Catholics. The Roman Catholic religion, embraced as a Christian faith, is one thing, and the papal superstition, as it mixes with temporal power and dominion, is quite another. I feel no alarm because religious principles may compel the Catholic to consider the pope as the only head of the Catholic church, if that supremacy be compleatly separated from every thing which touches allegiance and obedience to the state. And I confess, my lords, that after the imputations I had heard of Catholic submission to foreign authority or to foreign influence, I was most agreeably surprised to see the solemn, unequivocal declarations of the Irish Catholics, both clergy and laity, to stand firm and independent in their loyalty, to abjure all temporal dominion or influence proceeding from any foreign source; to acknowledge no power in the pope, but in matters purely spiritual, and to maintain with their lives their fidelity to their own sovereign upon the British throne. What more, my lords, could any state demand or expect from any people.

In referring to the Resolutions, read only in part by the noble lord opposite, I find it necessary to read further. It was not to interrupt, but to ascertain the true spirit of them, that I desired the noble lord, himself, to read further, because it would then have appeared distinctly to your lordships, that the Catholics do not hold the doctrines mistakenly attributed to them. First, then, although the Roman Catholic prelates assembled in September 1808, at Dublin, did delare it to be their opinion, that it was inadmissible to introduce any alteration into the canonical mode of nominating their bishops, and although afterwards, in February last, they again declared unaltered adherence to their former Resolution, yet, I desire to ask how this affects, or has even a tendency to affect, the sincerity of their declarations or their loyalty as a civil community. It is besides a declaration of the clergy only, and in a matter too confined to the spiritual character and junction, to which the laity are no parties, and by which they are not bound. Would your lordships be justified in considering any declaration of the reverend bench opposite, in matters ecclesiastical, as representing the sentiments of the whole people of England; and as to the apprehension of influence from France, through the medium of the pope, now her prisoner, let us judge from their Resolulution on that head. If their resolutions may be read against their claims, as I admit they may, in order to ascertain the spirit and temper of the Catholic body, surely that spirit and temper ought to be collected from the whole of them taken together, and not from detached passages. The Resolutions of the Catholic synod at Dublin, on the 26th of February run thus:—

3. 'Resolved, That the oath of allegiance, which, under the provisions of an 'Irish act of Parliament, enacted in that 'behalf, is tendered to, and is taken by 'his Majesty's Irish Roman Catholic subjects, was agreed to and approved by all 'the Roman Catholic bishops in Ireland, 'after long and conscientious discussion, 'and consultation had with several Catholic universities and individual authorities throughout Europe; and that said 'oath contains such ample declaration of 'civil faith and attachment, such total and 'explicit abjuration of all foreign pretensions, whether spiritual or temporal, to 'intermeddle in the civil establishments 'or laws of this part of his Majesty's dominions, and such authentic protestation 'of our doctrines in the only matter then 'affording ground for slander or jealousy, 'as that said oath furnishes a security, 'such as we believe is not demanded by 'any other state from native subjects, and 'beyond which no pledge can be effectual, short of the overthrow of our consciences, or such other perpetual and 'public degradation of our communion, 'as will tend to disquiet the government, 'notwithstanding an ostensible emancipation, by the sense of indignity on the one 'hand, and by the continuance of suspicion on the other.

4. 'Resolved; That said oath, and 'the promises, declarations, abjurations, 'and protestations therein contained, are 'notoriously to the Roman Catholic church 'at large, become a part of the Roman 'Catholic religion, as taught by us, the 'bishops, and received and maintained by 'the Roman Catholic churches in Ireland; 'and, as such, are approved and sanctioned by the other Roman Catholic 'churches. So that it appears to us utterly impossible that any way is left to 'any foreign authority, whereby the allegiance of Irish Catholics can be assailed, unless by that, which God avert, 'by open invasion; in which extreme 'supposition, as we will persevere by 'God's grace to do our duty, so we have 'certain hope, that every true son of the 'Roman Catholic church in Ireland will 'eagerly prove.

12. 'Resolved; That before the date 'of an Irish act of Parliament, giving the 'last relief to his Majesty's Roman Catholic subjects, and from that to this 'present time, the recommendation of us 'bishops, when concurring, had been progressively advancing in weight and authority with the holy see; and, as we 'believe, principally from the following 'cause; that we were known to be at 'once attached to our lawful government, 'and attached to the Roman Catholic 'faith, not by sacrificing our religion to 'worldly ends, by making this freedom of 'conscience a cloak for malice; but inculcating religious and social duties, in 'the name of one God, the founder of 'both.

'13. Resolved; That by the course 'latterly adhered to, two benefits were 'obtained, and were in progress to become a part of our ecclesiastical system; 'the one, that the choice of persons to fill 'the office of bishops, effectively originated from, and was circumscribed by 'us, so far at least as to make it inaccessible to any foreign temporal influence, 'or corrupt recommendation. The other 'advantage was this: that it held out our 'Hierarchy to the world at large, as purely selected; and has obtained a distinction, which ultimately redounded to the 'honour of the tolerating spirit of his present Majesty's government.'

Here, then, my lords, you have the solemn declaration of the Catholic prelates themselves, that so far from considering any act of the Pope done under the power or influence of the French emperor, as in any manner binding upon them, that after expressing their abhorrence of the sacrilegious imprisonment of his person and invasion of his authority, so far from considering even any spiritual authority to reside in any successor appointed during such usurpation, they solemnly declare that during his captivity and until his freedom shall be unequivocally restored and established, they will reject and annul any declaration even proceeding from himself or by his authority, however solemnly expressed; That during his captivity they will look to his pontificate merely as an æra of time only, and that in case of his death during his imprisonment, they should consider the holy see to be vacant until they should be able completely to ascertain the free,canonical, and due election of a successor.—My lords, you cannot in reason expect voluntary concessions from the Roman Catholic Hierarchy, more explicit, more binding, or more satisfactory, and if nevertheless they are not in your opinion sufficient for the civil safety of the state, for that very reason you ought to go into a committee to consider and to enact such as are. A legislature cannot traffic or contract with subjects; the final decision is with us. In their 3rd Resolution they declare that the oath of allegiance proposed by the Irish act of Parliament, and approved and sworn by themselves and all his Majesty's Catholic subjects, is in their estimation an ample declaration of their civil fidelity and attachment, and that an abjuration of all foreign pretensions, whether spiritual or temporal, to intermeddle with their duties as subjects under their national establishment, ought to put at rest all jealousy as far as oaths or tests of any kind could secure fidelity; but if you think otherwise, and that other regulations ought to be superinduced, that is still another reason for going into a committee to consider what they ought to be, and to enact them by the authority of Parliament: But it may be doubted whether there are not limits beyond which no pledge could be effectual, from the degradation or rather the extinction of all religious principle, and the overthrow of the dominion of conscience, leading in their consequences to the disquiet and weakness of government, growing out of a sense of indignity on one hand, and too just a foundation of suspicion and jealousy on the other. Putting aside, therefore, for the present the obstacle of the Veto, as a civil security which is quite a separate consideration, and therefore still an additional argument for going into a committee, you cannot after all this require from the Catholics any stronger proofs of loyalty and attachment—you cannot after being yourselves the authors of every test and oath, of every studied and solemn declaration which in your own opinion were best calculated to bind the veracity of man, you cannot, my lords, in common justice advance upon them afterwards with a further demand, as injurious to them as it would be useless and even dangerous to us, you cannot demand of them to surrender what they, though erroneously, may consider to be the essential principle and character of their religion; you cannot make laws to bind the soul of man against all the sanctions and feelings by which the soul can alone be approached, and by which it can only be regulated; but all this difficulty which arises out of the idea of traffic and barter with the Catholics, a thing impossible as between government and subjects, even if subjects could bind one another, vanishes altogether when you come as a legislature to enact the securities which you may consider to be necessary for the security of the state. Every man who knows any thing of me, knows that I have always entertained considerable doubts upon the subject of the civil claims of the Catholics, from strong objections to the principles of their religious faith; but after considering candidly yet cautiously their solemn declarations,as I have read them to your lordships, I cannot hesitate to declare that I am satisfied with their sincerity; more especially when they are so justly intitled from their 16th Resolution, to the most liberal interpretation:

"Resolved, That as to arrangements regarding our church, and said to be intended for accompanying a proposal of the emancipation of Irish Roman Catholics, prudence, and a regard for our duty forbid us to pronounce a judgment; whereas those rumoured arrangements have not been ascertained by us through any channel. However, we declare, that no spirit of conciliation has been ever wanting on our part; that we seek for nothing beyond the mere integrity and safety of the Roman Catholic religion, in its christian faith and communion, and in its essential discipline, subordination and moral code: nor may we be justly reproached for our solicitude in guarding those sacred things, for which we are bound to watch, and bear testimony with our lives, if required."

Now, my lords, what declaration upon

points purely religious, can be more fair or explicit, and upon what principle can we ask them voluntarily to go farther? I have stated to your lordships the light on which these Resolutions strike me, and I can by no means therefore agree with the deductions drawn from them by the noble earl who has just spoken. Neither can I agree with him in the fitness of demanding beforehand, what is to be done in the committee; much less in thinking that nothing can be done.—With regard to the last, his own able speech is the best answer.—The committee which he opposes would have to examine into the very securities, which the noble lord himself has considered to be indispensable; and they may be indispensable for any thing that I can be called upon to answer for to day; neither can the declarations, or opinions of the Catholics upon the subject of these securities, be any bar to our proceedings.—I will not consent to enter into previous contracts or stipulations with the Catholics of Ireland.—It will be the office of the committee, and afterwards of the House, and lastly of the parliament to discuss their claims fairly.—To give them all which the most liberate policy may suggest consistent with the general security of the empire, and if they are not contented with that, it will not be our faults.—We shall then have done our duty.

This, my lords, is the course which you ought in wisdom, as well as in justice to pursue. The very taking their petitions into consideration, even though the result should be abortive, would in itself greatly tend to remove irritation and discontent. I cannot help thinking that there is a great analogy between the effect of conciliation, whether applied to differences between individuals or states.

Let me suppose the case of a great landed proprietor, some class of whose tenants or dependents were dissatisfied with some arrangements by which they considered themselves to be injured or distressed, though in fact, they had no just cause of complaint.—What would be the wise and prudent course for such a man to pursue for the protection of his property, without contest and to preserve a tenancy usefully attached to his person and estate?—Ought he to say with brutality and insult, "get out of my house; I will hear nothing of your complaints; the law is open to you; do you stand upon your rights, and I will stand upon mine, even though my rights should be ruined by not attending to yours." Such an address would only confirm the sense of a grievance which perhaps had no real foundation.—But look at the contrast, if he had said, "my friends, let us meet here to-morrow; let the matter be sifted to be bottom, and let justice be done between us;" After such an invitation to peace, perhaps, a short hour might have settled the differences, and sent them all home with happiness and content." My lords, this plain and simple course lies before you, and the motion of the noble earl only asks you to pursue it.—Take the petitions on your table into your candid consideration, and do justice.

If such a course would be at all times prudence and wisdom in the individual, how much more in the government of an empire in such dangerous and distracted times; how much stronger is the call of prudence at this moment, than when a similar course was pressed by Mr. Burke upon a former government, in his celebrated letter to sir Hercules Langrish.—If at that time a cordial union of all classes and denominations was desirable, how much more is it now. Why, then, my lords, without ever the decent forms of justice, should you continue a system of degrading restrictions to irritate the minds of so great a mass of our population.—What may be the final consequences of such a system, it is impossible to say, but to warn is not to menace. Great and powerful as we are; triumphant in our naval empire throughout the world, still we must not build upon this power, as upon an everlasting foundation of security; we ought to secure it by the only sure footing on which a nation can stand for ever invulnerable; the cordial unity derived from a communication of rights and interests in the great body of the people; well therefore did Mr. Burke upon the very subject now before us, deprecate the keeping up in Ireland a bank of discontent, for the dissatisfied at home and the enemy abroad, to draw upon at their pleasure. [Here lord E. read a passage from Mr. Burke's letter to sir H. Langrish.]

But should we then, as has been asked by a noble lord, should we therefore compleat the emancipation of the catholics without considering, and with the most cautious deliberation, all the securities and safeguards which such a great change might call for to protect the state? I answer, no; firmly, no; I have indeed already answered no, when I expressed my entire concurrence in the sentiments so ably ex-the dark, or go into a Committee, in which for aught he yet knew, propositions might be made, which would render the Protestants, in a few months, as much the objects of commisseration to the noble earl (Donoughmore) as the Catholics were at present.

Lord *Holland* said, that were the petitioners obscure and mean individuals, instead of being a great body of one-fourth of our population, still the grievances they complained of were so great, that he must consider it as becoming the wisdom and dignity of their lordships to take them into consideration. Again, were these grievances imaginary, and such as could not properly be made the subject of complaint, yet the Petitions, as speaking the sentiments of four millions of their fellow-subjects, who took their share in the support of the empire as it stood, were entitled to their most serious attention. But when he considered them in both points of view, as complaining of great grievances, entailed upon a fourth of the population of the empire, and as asking only that to which he contended they had a most perfect right, the enjoyment of the constitution of the country they assisted to defend and support, he could not but feel astonishment at any resistance being offered to the examination of these claims. He never would allow that the petitioners were asking any thing as a boon; they were demanding their real and indefeasible rights, and he would not hear it asked in the House, that before going into a Committee they should declare what it was they wanted.—The noble and learned lord had stated the happiness and security enjoyed in this country. He agreed with him that they were more than any other country could boast, but he could not assent to the assertion, that the Catholic body could be included in that description, or had, for the century and a half noticed by the noble lord, partaken of these blessings. During all that time, they had been liable to the severest penal statutes ever enacted, which he could not yet think of without blushing for them, as a disgrace to his country. It was a disgrace, that any branch of those enacted in the reign of queen Anne should yet remain on the statute-books. As for those which had been repealed in the late and present reigns, called concessions, he would not acknowledge them as boons, but the restoration of the Catholics to their just and natural rights. Even now, they had much to complain of, and justice demanded that their prayer should be granted. At the same time, while he voted for going into the Committee, he was ready to agree to the imposition of any restraints, which the scruples or fears of some might deem to be requisite, for the security of the Protestant establishment. He was surprized that the course proposed could be objected to. To go into a Committee was the usual parliamentary mode of proceeding. A complaint was made of exclusion, and the Committee would inquire into the grounds of this complaint. He had heard it said, though not this night, that the disqualifications and grievances of the Catholics affected only a few persons; and, therefore, there did not exist so pressing a call for emancipation.—While he felt the utmost horror and disgust at the old penal code, he could not help saying, that, to a feeling and just mind, most galling and degrading restrictions did even now exist. It was not a true principle, that, being shut out from high stations, from the senate, and from command in the army and navy, hurt only the few who, from their rank and talents, might look up to these stations. The galling restriction spread far and wide, and was sensibly felt in the utmost ramifications of society. The same principle which caused the love of country operated in this respect. An Englishmon, a hundred years hence, would feel triumph and exultation in reading the history of the gallant exploits of St. Vincent or Nelson, not because they added to the security of the country, but because they reflected a lustre upon them as natives of the same country. What then must be the feelings of those who belonged to a class in which no heroes were ever to be found, and on which no lustre was permitted to shine? Such feelings were admirably depicted by that great master of the human mind, the immortal Shakespeare, which he could not repeat, but the bare mention of it would recall the passage to their memories. It described it as possible to bear being steeped in poverty to the very lips, or all the evils that humanity was subject to, but not the idea of being set up as a figure to be pointed at by the slow and moving finger of scorn. The noble earl on the other side (lord Clancarty) had gathered opinions from obscure writings, and argued on them as if they were the decided opinions of the general Catholic body. Among these was the story of the excommunication of the shoe-maker, at Ballyshannon. If there was an error of this kind, it was not fair to charge it generally on the Catholic church. Their own church could not stand against so uncharitable a course of argument: and it was not fair or just to urge against a whole body what was done by a single individual. His lordship repeated the story, and contended that it did not support the inference drawn from it by lord Clancarty. Suppose a member of a club was black-balled, and thereby lost his character and livelihood; it might happen, that if his character was improperly taken away, a jury would give a verdict for damages in his favour, but it did not follow that all his fellow-clubmen were on that account to be excluded from being qualified to sit in parliament. Much had been said by the noble lord, learned in the law, of encroaching upon the bulwarks and safeguards of our constitution. Did the noble lord mean to state, that our constitution was founded on so narrow a basis, that it could not exist without exclusions? How could he, learned as he was in the law, contend that these penal enactments were fundamental parts of the constitution, not to be trenched upon? why if so, was it not told to the Irish Parliament at the period of the union? Why were they not informed of these fundamental bulwarks against their claims, rather than deluded with the hope that these claims would meet with consideration and support in the United Parliament? It was not then understood that such radical objections existed; for if it had been so understood, it would have been the grossest of deceptions to have flattered the Catholics with the idea of their claims being attentively and seriously examined and discussed, if there was an opinion then, similar to what had now been expressed by the noble and learned lord that those claims were absolutely inadmissible as contrary to the fundamental law of the constitution.—No man entertained a higher opinion of the Revolution of 1688 than he did, but he would not put his faith in that standard alone. The country enjoyed a constitution long before that period, and many wise laws were passed from the time of Edward III. when the Romish superstitions prevailed in the country. He supposed some future learned lord might cite the Irish Union as an acknowledgment of this fundamental principle, and, in so doing, he would be as well founded as the learned lord now was in citing the time of the Revolution. No more disgraceful breach of the treaties of Newry and Limerick could ever be committed, than the passing of the Test and Corporation laws. These shewed, that no such fundamental principle existed for 20 years together, as was assumed by the learned lord to have existed for such a length of time. This was further shewn by the Restoration, which was founded in complete toleration, and by the laws of exclusion being passed from time to time. At the Union of Scotland they were rejected, and therefore it could not be said, that an uniform system had existed. Nay, this celebrated bulwark had not existed in Ireland for several years past, for the test act was unknown in that country. The noble lord said, that the objection did not rest on the religious opinions of the Catholics, but on the political principles connected with it. He was not uncharitable enough to draw such a conclusion. They denied the supremacy of the pope in temporal matters, and, he maintained, ought to be as much trusted on their oath of allegiance as any other class of men in the empire. This oath was a sufficient pledge for their fidelity to the state, and the security of the established government. It was binding on excisemen, and held sufficient for them; and why was not the same credit to be put in it when taken by men of education, of enlightened minds and talent?—He admitted that there might be times of so peculiar a nature as to justify temporary exclusion, but he denied that any government had a right to exclude a great body of subjects from the benefits of the constitution, for opinions either political or religious. The noble baron concluded, by a reference to the authorities of Mr. Burke, Mr. Pitt, and Mr. Fox on this subject, and particularly of Mr. Grattan, whose local knowledge was superior to any of the rest, and whose name was connected with all the great measures for the good of his country for many years past. He hoped it would be his fortune at some future period, if not now, to give the death blow to the bigotry and superstition which operated so perniciously. He hoped the Catholics would meet them with conciliation, and strongly recommended the reference to a Committee.

The Duke of *Norfolk* observed, that the Catholics only asked that which was enjoyed by other Christians not of the establishment. He defended the character of Dr. Milner; of whom he spoke in high terms for his learning, ability, and integrity. As for the story of the excommunication, all churches had a similar power, and the same practice existed in the Protestant church. A noble and learned lord wished them to state what they would propose in the Committee. They would propose to offer the Catholics that participation of the constitution which was consistent with their own security—His grace then noticed the inconsistencies of the existing laws, as affecting the Catholics, and earnestly recommended conciliation towards them, as essential to the happiness and security of the empire.

The Earl of *Buckinghamshire* expressed great unwillingness to trespass upon the time of their lordships, when from the length of the debate, and the heat of the House, they must be so much exhausted, but said, he must claim their indulgence for a few minutes, as from the manner in which his conduct had been alluded to, when chief secretary in Ireland, by the noble lord who opened the debate, it was impossible for him to avoid entering into some explanation.—It certainly was a fact, that a Petition of the Roman Catholics to the Irish House of Commons had been rejected in the year 1792, and the noble lord (Donoughmore) towards the close of that year, had been deputed by the Committee of Catholics assembled in Dublin, to call upon him for the purpose of ascertaining, whether the government of Ireland would support the prayer of a Petition for similar purposes, which had been prepared for transmission to the King, and the noble lord was correct in stating that he (lord Buckinghamshire) declined giving assurances to that effect, because he would not undertake to pledge the administration to the support of measures in Parliament, against which the House of Commons had so recently declared nearly an unanimous opinion.—The noble lord had, however, gone a step further, and he had charged the government of Ireland with having promoted and encouraged certain addresses and resolutions entered into by the grand juries, with a view to counteract and defeat the principal object of the Catholic Petition.—Lord Buckinghamshire said, that though fully convinced that the noble lord (Donoughmore) was incapable of asserting that which he did not believe to be correct, he must take the liberty on the part of the administration of that day, to assure their lordships, that the noble lord had been totally misinformed with respect to the conduct of government in relation to the grand juries.—It unquestionably was true that a great proportion of the Protestant gentlemen of Ireland, was extremely apprehensive of the consequences of conceding the elective franchise to the Catholics, and amongst these gentlemen were many persons nearly connected with the government; but he utterly denied that they were instigated in any degree by the Irish administration, to the part they individually took as members of the grand juries. Lord Buckinghamshire had the less difficulty in making the assertion, because in answer to a similar charge, at the time he had made a similar assertion in the Irish House of Commons, not only without the fear of, but without meeting with, the slightest contradiction.—Lord Buckinghamshire had no intention of entering at length into a justification of the Irish House of Commons, with reference to the Catholics, but he would desire their lordships to advert to the situation in which that House was placed. He had already stated that in the session of 1792, an opinion had been expressed, almost with unanimity, against the concession of the elective franchise. In the interval between the discussion of this subject in the years 1792 and 1793, delegates had been deputed from the Catholic body to present a Petition to his Majesty for the attainment of that object; and the King having been pleased to receive the Petition, the leading member of the cabinet communicated to the Catholic delegates their intention to direct the Lord Lieutenant of Ireland, in his speech from the throne, to recommend the prayer of that Petition to the favourable consideration of Parliament. His lordship asked what then was the situation of the Irish House of Commons? Was there no alteration in the state of the question in the session of 1793, from that in which it had been offered to their consideration in the preceding year? Was it a trivial circumstance in a question between Protestant and Catholic, that the latter was supported by the whole weight and authority of the ministers of the British empire? and was it not therefore an occasion, wherein a change of conduct might be expedient, though a change of opinion had not taken place?—In this difficult situation the Irish Parliament conceded to the recommendation from the throne, that which left to the exercise of its own unbiassed judgment, it would have persisted in rejecting. His Majesty's ministers were desirous to conciliate the Catholics, and had been led to believe that the grant of all they then asked, and which was more than the most sanguine of them expected, would have that effect, but on the contrary the result was extended demand, and clamourous dissatisfaction; and the same British ministers having in 1795, appointed a noble lord (Fitzwilliam) chief governor of Ireland, were obliged to recal him on account of the irritation produced by the steps he had taken, with a view to exempt the Catholics from those oaths which the rest of his Majesty's subjects are required to take, in order to qualify themselves to sit in parliament; and when that measure was brought forward during the administration of his successor (lord Camden) it was rejected in the House of Commons by a large majority.—With this view of the subject lord Buckinghamshire would always maintain, that the concession of the Irish House of Commons, in the first instance, would not warrant an insinuation impious to its credit, and that its resistance in the second, entitled it to approbation and respect.—With reference to what the noble lord had said respecting the King's coronation oath, lord Buckinghamshire would briefly advert to the circumstances under which it was framed.—At the period of the Revolution, under a review of all that had been passing within a few years, it was determined to provide against the danger to which the constitution in church and state had been exposed, at one time by the violence of the Dissenters, and at another, by the bigotry of a Popish king. And amongst other measures for that purpore, it was judged adviseable to impose fresh obligations, under the solemn sanction of that oath, which the sovereigns of this country are required to take at their coronation.—Thus constituting an additional compact between the King and his people, and "resting (as Mr. Godolphin expressed it) all our securities upon the King's conscientiousness".—A conscientiousness, lord Buckinghamshire said, which must operate not only against the violence of party, but which might prove the safeguard of the constitution even in opposition to the sentiments of the two Houses of Parliament, as it would not, surely, be argued, that any human power could absolve his Majesty from that oath, or that he could under any circumstances be expected to act contrary to those obligations which according to his impression, it had imposed.—Lord Buckinghamshire then proceeded to notice what had fallen from other noble lords respecting the veto, and stated, that although he had never conceived that any advantage or security could be derived from the strange scheme of concurrent appointments, to be made by his Majesty, the Pope, and Buonaparté, he must do the Irish Catholic Bishops the justice, they so well deserved, for the candid manner in which they had declared their sentiments upon that point.—They would not allow the parliament to be deluded in the passing of measures, of whatever benefit to persons of their own persuasion, upon grounds totally incompatible with the immutable principles of their religion.—They felt that an indelible stain would be fixed upon their characters if they acquiesced in a proposition so repugnant to the established articles of their faith. And in thus manfully stating their sentiments, they put the question of foreign supremacy in spiritual matters upon a fair issue.—Lord Buckinghamshire could assure their lordships, that no man respected the authorities which had been cited as advocates for what is called Catholic emancipation, more than he did, but those authorities, high as they were, would not induce him to take a step so utterly inconsistent with the principles of the Revolution. He looked upon those principles as the bulwark of the constitution, and was persuaded that there was no measure of temporary expediency, however promising, which ought to induce their lordships to depart from the great and provident settlement then made.—What, however, were the circumstances under which the motion was brought forward? His lordship would ask whether the most strenuous and constant advocates of the Catholics had not declared, that unless the point of the veto was conceded by the popish bishops, (and the House was apprized of their sentiments) no meaure could be adopted in the proposed committee, and therefore without a practical object, their lordships were called upon in the present state of the public mind, to throw the firebrand of religious discord amongst the people. Were their lordships prepared for such a proceeding? Were the feelings which had upon former occasions been excited by the agitation of this question in their lordships recollection? Under these circumstances he thought the present time peculiarly unfit for the discussion—but he trusted, that if a less unfavourable period should arrive, that their lordships would enter upon the business not merely with reference to the interests of the Catholics, but with a comprehensive view of the question as it affected the whole of his Majesty's subjects; and that for the delusive hope of satisfying the Catholics of Ireland, they would not hazard the consequences which might arise from creating discontent and irritation in the great body of Protestants within the British Empire.—For these reasons lord Buckinghamshire would vote against going into the Committee.

Lord *Borringdon* rose and spoke as follows: My Lords;—It is not without regret, that I find myself under the necessity of differing from the noble earl who has just sat down, as well with respect to the general view which he has taken of the important subject now under our consideration, as with respect to the particular opinion, which, though certainly not according with the tenor of his general sentiments, he has, nevertheless, expressed relative to the praise to which he considered the Irish Roman Catholic bishops were entitled, for the fairness and openness of their conduct in regard to any temporal interference in the appointment of their own body. I, my lords, have no means, and certainly have no desire, to inculpate the general conduct of those persons: it may be worthy of every degree of applause and approbation, but upon the particular point in question, it is undoubtedly impossible for me to withhold the expression of my opinion, that it has been marked by a most narrow and short-sighted policy, and that in no way can the character of fairness or openness be possibly awarded to it. In support of this sentiment I think that, without now entering into any other details, it will be sufficient for me to submit to your lordships two different passages from the work which I now hold in my hand.—1st. Resolutions of the Roman Catholic prelates, assembled at Dublin in 1799.

"That, in the appointment of prelates "of the Roman Catholic religion to vacant sees within the kingdom, such interference of government as may enable "it to be satisfied of the loyalty of the "person appointed, is just and ought to "be agreed to."

2ndly, Resolutions of the Roman Catholic prelates assembled at Dublin on the 14th of September, 1808.

"That it is the decided opinion of the "Roman Catholic prelates of Ireland, here "assembled, that it is inexpedient to introduce any alteration in the canonical "mode hitherto observed in the nomination of Irish Roman Catholic bishops; "which mode, by long experience, was "found to be unexceptionable, wise, and "prudent."

And again on the 26th of February, 1810. "That it appertains to the order, "charge, and spiritual authority of Bishops "in the Catholic Church, and is inseparable from their mission, to propose, "entertain, and judge, without any lay "intervention, on points of Christian "faith and of general discipline; whereby "the universal church is connected into "one mind, and one body, as the body "of Christ."

These Resolutions of 1799 and 1810, which must appear, to unlearned persons at least, so contradictory to each other, have, I observe, received the signature of nearly the same individual prelates.

My lords, a noble and learned lord (Erskine) who spoke early in the debate, and who signified his intention of voting for the motion of the noble earl, has stated to your lordships that he should oppose your entering into a Committee upon these Petitions, if he thought that the consequence of your going into such Committee would be the conceding the full prayer of the Petitions; and a noble duke (Norfolk) who has recently addressed the House, and who has also signified his intention of supporting the motion, has expressed his apprehensions that, from the near approach of the season at which it might be expected that his Majesty might be advised to prorogue his parliament, your lordships, if you did go into a Committee, could make but little progress in the work which you would have undertaken.

Now, my lords, with these opinions, I confess that it is, with me, some matter of difficulty to conceive how the noble and learned lord, and the noble duke, can have formed the determination of voting for our entering into a Committee upon the Petitions before us.—Is it not notorious, is it not felt by every one of your lordships, that the mere vote to enter into a Committee, at this time, would be universally considered as an immediate, virtual, concession to the whole claims of the

Petitioners?—Yet the noble and learned lord would oppose such entire concession, and the noble duke is of opinion that there is no probability of our satisfactorily terminating our labour. How imprudent then would be your lordships' conduct, if you were thus to exite expectations which must be disappointed, and to encourage hopes which nothing, at present before you, can justify you in sanctioning!

Do your lordships foresee, or, foreseeing, are you prepared to meet, the effects which must arise from such disappointment, which, with your eyes open, you will thus have so unwarrantably created? Can it for a moment be contended, that, by going into a Committee, a satisfactory result is now likely to be obtained?

The important matter before us, whenever it is entered upon, cannot be hastily or partially considered: there must be two parties to it, and every noble lord, who has spoken, has considered the general subject as one, which can only be terminated by a comprehensive and liberal arrangement, in which concessions from both must be naturally expected.

If therefore we should be ready to make any concession, have we any authority for believing that the Catholic body, on their parts, are equally prepared? Have we any expectation, that, if we did go into a Committee, we should there hear of any specific concession which any individual was authorised to proffer on the part of the Petitioners? Can we be now justified in entertaining a hope that the veto, or any other specific security, which might be thought necessary or desirable, would be offered in a Committee?

On the contrary, my lords, are we not all perfectly convinced, do we not indeed feel a moral certainty, that no such concession would, at this moment, be made, that no such security would now be offered?

Did the question remain wholly with the Catholics of England, different expectations might possibly be entertained. Their conduct has always been entitled to the highest praise and gratitude from your lordships and their country.

The Catholics also of Kildare and Tipperary are entitled, from their late resolutions, to all due consideration, on the part of your lordships; but, I grieve to say, that, from the great body of the petitioners, no such expectations can, at this time, be cherished by any one in the possession of his reasoning faculties, and acquainted with those transactions which have recently, and so unfortunately, come under the observation of the public.

There is likewise another consideration which cannot but have a very powerful influence in determining your lordships not to enter, at present, into the proposed committee. I allude to the situation of the sovereign pontiff: He is, as is well known to the House, not only under the influence, but actually in the custody of your enemy.

In all Catholic, and especially in all non-Catholic countries, the appointment of the Catholic bishops, within such countries, has ever been a matter of arrangement between the respective governments and the holy see.

The emperor of Russia and the king of Prussia, in despite of the resolution passed by the Roman Catholic prelates assembled at Dublin on the 14th September 1808 (and which I have read to your lordships) exercise a considerable power in this respect, and have, each of them, an accredited agent at Rome, chiefly for the exercise of this power. It is therefore clear, that, whenever this matter is entered upon, it must become a subject of arrangement and discussion with the sovereign pontiff. But is the situation of that person now, such as can offer any security to any arrangement which might be concluded with him? On the contrary, is it not certain, not only that no such security can be afforded, but that we are actually cut off from every channel of access to him, and from every mode of even opening any sort of discussion, or negociation with him?

These, my lords, are plain, simple, and obvious reasons against your lordships now voting yourselves into a committee upon the petitions upon the table: they are not the result of any difficult research, or of any disposition to cavil, or to catch at trifles: they appear manifestly and glaringly upon the face of the case itself, and are such as cannot fail to be observed and appreciated by every one who takes a candid and dispassionate view of this important subject, and of the peculiar circumstances by which it is, at this time, distinguished.

Having thus, generally, stated those considerations which make it impossible for me to support the motion of the noble earl, I think myself bound, distinctly to state to your lordships, that, to the general principle of the Catholic claims, my opinion is decidedly favourable. I am happy and satisfied that such is my conscientious opinion; because I feel and know that I should be vexed and mortified in the extreme, if I really thought that, for ages and generations yet to come, so large a portion of our population, as that whose interests are concerned in these petitions, were or ought to have attached to them that mark which their present civil disqualification must in some degree, be considered as imposing.

I should be vexed and mortified in the extreme, if I really thought that the British constitution, so dear to us, and so appreciated amongst the nations of the earth, was, after all, at the hour of trial, and at the moment of experiment, likely to be found to contain within itself so enormous and so radical a vice as that of necessitating the exclusion from the enjoyment of its full rights and privileges, of one man in every four throughout the whole empire.

I certainly am happy and satisfied that such is not my opinion.

My lords, it is impossible for any one who has at all watched the state of the public mind, upon the subject of these petitions, not to feel and know that, every successive year, and especially every fresh discussion, has augmented the number of those who entertain favourable dispositions towards the principle of the Catholic claims: recent occurrences, to which I have before adverted, may, and certainly have, given some check to the progress of these dispositions; but the fact, generally speaking, remains the same.

Having stated these sentiments, I certainly can feel no objection to the renewal of these discussions, or to the reproduction of these, or similar petitions, if conceived, as no doubt they would be, in respectful terms towards your lordships, as often as to the petitioners themselves may appear fit and desirable for their object.

Let the Catholics, however, not merely in their petitions, but in their writings, and in their meetings, adopt that discretion and forbearance, and those principles of moderation, which every true view of their own interest, and every feeling of loyalty so imperiously prescribe to them. Let them manifest concordance with each other; conciliation and good will towards the Protestant establishment; temperance and consistency in their general views and language;—let them follow this line of conduct, and I think that I can, with confidence, pronounce, that Englishmen will cease to possess the character of Englishmen, and Protestants of Christians, if, in the course of no very inconsiderable period, the legislature be not ready and anxious to extend, to its Catholic fellow-subjects, the full rights and privileges of the British constitution.

I have thus ventured to say what, I think, ought to be the general feelings and principles by which the petitioners ought to regulate their conduct; but something more precise is undoubtedly to be desired. Let them not merely exhibit concordance amongst each other, which is so highly essential to their cause, but let them, having established such concordance, agree in fixing, in a peaceable and orderly manner, upon some specific channel and organ of their whole sentiments, a reference to which may always remove any doubts and ambiguities which may, from time to time, arise in these transactions. Let them, having established such general concordance, determine and declare, in a plain and explicit manner, what is really the exact and full extent of the objects which they have in view. Let them further, in particular, decide, and express their decision, upon that most important point which was adverted to during the discussions on the union, and which was supposed to be a favorite object with the late Mr. Pitt; I mean the securing a provision, through government, for the Roman Catholic clergy of Ireland.

I am aware, that, to that proposition generally stated, the Irish Roman Catholic prelates assented in 1799; but I have heard that some change has since taken place in their sentiments upon this head; and the change in the decisions of that body relative to the other leading point, to which I adverted at the commencement of what I have submitted to your lordships, gives but too much probability to this rumour. This point, however, is of the utmost importance, and the Catholics should declare, whether, under proper regulations, such an arrangement would, or would not be agreeable to them.

Should it take effect, the consequences which would result from it could not but be most beneficial. It would at once establish a bond of union and connexion between the king's government and the numerous and respectable body interested in these petitions; it would, if the details were carefully and judiciously regulated, save the larger portion of the Irish population from the great practical evil under which Ireland labours; I mean the payment of double tithes; and if it were honourably, honestly, and sincerely concluded, it would effectually quiet the apprehensions of those who are disposed to think that the real and ultimate objects of the Catholics, is to destroy the established church in that part of the united kingdom, and upon its ruins to erect a Catholic ascendancy—a plan which, I would venture to hope, has never come within the contemplation of the petitioners, and which could no more be defended upon principle, in that particular part of the United Kingdom, than it could in the English county of Lancaster, in which the Catholics form so large a proportion of the whole population.

Under the present circumstances of Europe and of this empire, it is impossible, my lords, not to feel that the impression arising from the discussion by the legislature, of a question of such imperial moment as that now under our consideration, must be a matter of no slight nor trivial importance.

Perhaps it may be more easy to say what it is desirable such impression should not be, than accurately and precisely to define what it is desirable that it should be. It may then with safety be said, that it is not desirable that the impression arising from this debate should be that the House considered the door as finally closed against any further concession to the Irish Catholics.—The sentence of the door being closed is a sentence which, against any of our fellow-creatures, is terrible, but, when uttered against four millions of our own fellow-subjects, who have committed no crime against either God or man, it is absolutely horrible. I think that there can be but little or no doubt, that no one could wish such an impression as this to go forth into the world.

There is another impression which I would equally deprecate,—I mean that, in despite of the discordance which has shewn itself in the Catholic body itself; in despite of the loose, undefined, and unauthentic shape in which their claims have hitherto come forward; in despite, in some instances, of the unconciliating language which has been held; and in despite of the present absence of the required security, either in the form of veto, or of something equivalent to it, the time, nevertheless, was likely shortly to arrive, when the legislature would yield to the claims of the petitioners.

This is an impression, which, as it would be wholly unwarranted, so would it in its consequences be equally injurious.—This I think cannot too strongly be impressed upon the minds of the petitioners.

There is, my lords, another impression against which I would also equally protest. The noble earl who opened this discussion, did, in the course of his speech, greatly inculpate the conduct of the different governments, which have existed in Ireland, for their measures respecting the Catholics, and especially as to the time and manner of the different concessions which have been made to them.

My lords, I certainly am afraid that there is much of truth in the noble earl's observation; I am afraid that those concessions were granted, not upon any great, liberal, or statesman-like view of the subject, or upon any really conciliatory feelings, but upon partial and momentary pressures, and as temporary expedients for obtaining, for a while, strength and support to the existing government; and that, as such, they had, as might naturally have been expected, failed, permanently, to conciliate those, in whose favor they were granted. The other impression, therefore, to which I would allude is, that, whatever may be our fixed opinions and real sentiments upon this subject, yet that, if there should arise any great pressure upon ourselves, we would then, upon such a temporary emergency, take the chance of availing ourselves of the adoption of this measure, with a view to escape from such difficulty. This, likewise, is an impression which the wisdom and firmness of your lordships leave me no scruple in pronouncing equally false, and, as such, equally to be deprecated. I am persuaded that the time will never come, when your lordships will legislate upon such principles.

I have taken the liberty of stating the line of conduct which I should recommend for the adoption of the Catholic body, and I cannot help, further, urging them to withdraw their exclusive attention from the present moment, and to extend it a little into time which is to come. Let them look, not merely to the present generation, but to that which is to succeed to it, and let them consider what will be the situation of their descendants as well as the general state of the empire at large, in the case of this measure being extorted (if extorted it could ever be) on the one hand, from a reluctant parliament, and a dissatisfied majority of their own fellow-subjects (for that the Protestants are an immense majority of the whole must never be lost sight of), and, on the other hand, their obtaining it with the full consent of a free parliament, and with the approving hearts of a contented people.

Let them look at the incalculable and immeasurable difference of these two situations, and then let them shape their conduct by that course which policy and loyalty equally point out to them.

It was, in some degree, my intention to have called your lordships' attention to those particular acts of the legislature, by which Catholics are now disqualified from various situations. They have not, however, this night, been argued as integral and essential parts of the constitution, and this circumstance and the lateness of the hour, naturally call upon me to abstain from troubling your lordships with any such examination.

It is perfectly true, as has been stated by my noble friend (lord Holland) that, when, previous to the Union, he moved, "that it be an instruction to the Committee, to whom the papers concerning the Union were referred, to consider of two acts, 20 Charles II., and 1st. William and Mary, respecting the disabilities to which Catholics are subject;" I had the honour of moving the previous question on such motion; but it will not be found, that, by any thing I then said, I pledged myself to any particular opinion, or line of conduct, upon the question itself.

Feeling that, upon the tone and temper of this discussion, and upon the impression arising from it, may eventually depend nothing more nor less than the integrity of the empire, and consequently our most effectual means of successfully resisting the power of France, I have been led, I hope, at no great length, to state, to your lordships, the grounds on which I rest the vote which I shall feel it to be my duty to give on the important question which is now before us.

Lord *De Dunstanville*, in a short speech, opposed the motion.

Earl *Grey* then rose, and said that the speeches of the noble earl who brought forward the motion, and of his noble friends near him (lords Holland and Erskine) had as yet remained in many points unanswered. It would have been therefore unnecessary for him to attempt upon his part to strengthen that which needed no confirmation, and he disclaimed all presumption of then rising to do so. Deeply as he felt interested in a question of such importance—anxious as he was to state fairly and openly upon that night the principles upon which he had rested, and the motives by which he had been actuated in his uniform support of the Catholic claims, he was, however, not less anxious to vindicate a noble friend, then absent, from certain charges and insinuations, which, had he been present, he himself could have so well repelled. The noble lord on the woolsack had, in the heat of his objections, expressed his regret at the cause that had upon that occasion deprived them of the aid of his noble friend's talents and information. He had no doubt of the sincerity of that regret. He was bound to believe that the noble lord would have wished for the presence of his noble friend, however certain he might have been of finding in him an able and formidable opponent; notwithstanding that assurance he was certain that the noble lord regretted the absence of this noble friend, and was as open to be convinced by him as he had shewn himself eager to contend with him, and there was little doubt that he would have had his opportunity, if his noble friend had not been confined to his house by the injunctions of his physicians. He at the same time could not help regretting the absence of his noble friend, when he heard the letter of that noble lord so partially cited and so strangely construed. He (lord Grey) had been consulted on that letter, and he had no hesitation in saying that there was not a word, there was not a sentiment, there was not a principle contained in it which had not his full and unqualified concurrence. He, from the beginning, had been an advocate for going the full length in granting to the Catholics the rights which they required: but he appealed to the House if it was fair in the noble lord upon the woolsack to put that proposition, as if it had been assented to by the friends of the Catholic claims, in such a manner as to deny the propriety of such a modification as might be deemed necessary for the safety of the established religion; this modification had been looked upon as the best, which gave to the crown a negative power to controul the appointment of the Roman Catholic bishops. It had been so stated in the other House of Parliament. Mr. Pitt had spoken in favour of it.—Mr. Fox was uniformly a warm friend to the Catholic claims; but always on the principle of the grant of all those conditions, on the part of the Roman Catholics, which might be deemed necessary to the safety of the constitution. This had been the principle on which the discussion of the Roman Catholic claims, in 1805 and 1808, had been brought forward. Every movement had been made upon the presupposed principle, that the general security should not be thereby endangered. He agreed that there were some curious circumstances in the recent conduct of the Catholics, which, in his view, were not calculated to give strength to the force of their claims, and had rather a tendency to injure their own cause. But when the noble lord on the woolsack had alluded so often to certain Resolutions recently entered into by the Irish Roman Catholic bishops, he thought that the noble lord ought not, in justice, to have omitted the 16th of these Resolutions, which agreed in its spirit with every regulation that subsequently might be thought necessary for the general security. He was happy to observe, that since the publication of the letter alluded to, a more conciliating spirit had manifested itself, and that the Resolutions of the Catholics of Tipperary, Kildare, and other parts expressed a wish to come to a fair consideration of the subject, and to arrange such securities as were consistent with the principles of their faith. He called upon their lordships to go into the Committee, as if they refused to do so, they continued to exclude from the benefits of the constitution no inconsiderable portion of the strength that supported that constitution. But the noble lord on the woolsack had talked in a high strain in favour of those restrictions and limitations, as necessary to the safety of the constitution. If, indeed, he thought with the noble lord on the woolsack, that upon them depended the safety and glory of the empire—if, indeed, he thought that they were to be regarded as the great land marks of the constitution, he might regret that so great a work had so poor a foundation; but conceiving them to be not so much the causes of our strength as of our weakness, he could not look to them with so superstitious devotion, as to consider them as sacred, merely because they had grown old in all their errors.—The noble earl then proceeded to controvert a position advanced by the chancellor, which went, in his opinion, to contend that those tenets of exclusion were interwoven with the principles of the revolution. If he (lord Grey) knew any thing of the principles of the revolution, they were opposite to those of exemptions or exclusions; their object was social happiness, by the extension of civil and religious liberty. The principle of that revolution never meant to step in between man and his creator; it never intended that a man should first sacrifice his religious faith, before he could be admitted to the benefits of the constitution; both the principles laid down by the noble and learned lord were equally fallacious. The revolution did not publish the eternal proscription of all dissenters; the revolution did not restore the constitution to those merely who professed the established form of worship. He cited lord Somers on the Occasional Conformity bill, and shewed, that the opinion of that noble lord was of a different tendency, and held that to be an unfortunate state of things, when men were deprived of their civil rights on account of their scrupulous adherence to their religious opinions. He was glad that upon this occasion, he had heard no direct charges preferred against the Catholics. There had been insinuations, and he was sorry to have heard that in other places the pulpit had been made the scene of exhibitions, not calculated to attest the christian meekness and charity of those who had so unbecomingly preached there. It had been vehemently urged from that place, that a tenet of the Roman Catholics was to keep no faith with heretics. Men who use such weapons of polemical warfare, ought to reflect, that they are so many poisoned arrows, and that they may inflict wounds which will refuse to be healed (hear!) Blind zeal was but a bad excuse for such a perversion of the precepts, and such a deviation from the example of their divine and benevolent master. What would such a doctrine inculcate? that three fourths of the inhabitants of Europe disregarded the sanctity of an oath, or the force of all moral obligations, and that the Catholic persuasion was the prolific nurse of crimes. Where then was the lustre of some of the brightest annals of your country? The Catholics had given England a name among the nations of the world—their Catholic descendants had preserved that great legacy unimpaired. The Catholics had laid the foundations of those liberties which we now enjoy, and from which, Catholics are now in some measure excluded. The Catholics gained us Magna Charta.

Having referred to the general history of nations, to our own intercourse with Catholic states, in order to prove that the dangers of Catholic concession were falacious, it remained for him to refer their lordships to the declarations of the Catholics themselves, solemnly avowed and repeatedly asserted. To the answers of the universities to questions submitted to their decisions upon points of the Catholic faith —to the oaths framed by parliament itself for the security of the Protestant establishment—and above all, to the refusal of the Catholics themselves to take oaths now imposed upon appointments of trust and authority; and which, if the Catholics were the description of persons which their enemies maintain—if they were actuated by the malignant principles so uncharitably imputed to them, they would have no hesitation or reluctance, both to take and to violate (hear! hear!) That general answer was quite sufficient for the charge that was made against them. If, however, there still continued persons, either from honest prejudices or strong apprehensions, hostile to the plans of that body, he would refer them to the work published by an honourable friend of his —he meant sir John Cox Hippisley, who possessing more knowledge upon that subject than any man he knew, had communicated that information in a manner which for lucid arrangement and deep research, had never been surpassed. Whatever dangers some noble lords may fancy from conceding, he could conceive no principle so replete with evil as the continuance of penal restrictions. Let the House recollect that it had to decide upon the prayers of four millions of subjects; whether what they sought would ultimately be granted, was not the question at the present moment. His noble friend who brought forward the present motion only called upon their lordships to go into a Committee for the purpose of taking into their consideration the situation and the application of the petitioners. But the noble and learned lord on the woolsack stated his disinclination to vote for the Committee, because he was not told what would be done in that Committee. That was not a question which, in the present stage, the learned lord had a right to put. If there were reason to apprehend danger from existing restrictions, it was the duty of the House to take the most prompt means of providing a remedy against it. He would be sorry to believe such remedy out of its reach. If it was unhappily so, that of itself was a most aggravated evil. But the learned lord on the woolsack said he must see what would be granted in their place, before he parted with those securities which the laws, as they now stood, provided for our establishments in church and state. Vain and fallacious securities! But he (lord Grey) could not think so badly of the religion which he had the happiness to profess, as to believe it stood in need of them. If, however, the learned lord wanted an equivalent before he parted with those alleged securities, he would give him one which he was sure their lordships would feel the necessity of embracing. He would give him for penal restrictions the hearts and affections of four millions of subjects—for disunion he would give him concord—in place of national weakness he would afford him the means of national strength—of being enabled with increased hopes and power to meet that awful contest in which the empire was engaged. With respect to the apprehensions entertained by many, relative to the connexion of the Catholic with a foreign influence, upon that point he was most anxious that every reasonable security should be provided. The power of a negative invested in the crown, on the appointment of bishops, he had considered as a very effectual one. If the Catholics had a strong objection to this mode, and if adequate security could be obtained by domestic nomination, he was most ready to take it. He knew and felt the unreasonable conduct of Catholics upon that point, and he could not conceal from himself that they were instigated to such conduct by the artifices of those who were decided enemies to their cause. A noble baron, who had that night opposed the motion, still expressed his opinion, that upon the conduct of the Catholics themselves depended, whether, at a future period, the participation of rights which they sought might not be imparted to them.—what extent of duration could be put to this probationary state of that body? It was objected to the Catholics, that enjoying toleration they next looked for political power, and that it was the duty of that House to withhold it from them.—It was delusion to say that concession gave them power. All that was asked was an equal eligibility—the power of appointment, be it remembered, resting with the king, with respect to office, and with the people, as to seats in parliament. But the enjoyment of political power was the essence of civil rights—and he who said that it was not an object, maintained a principle wholly inconsistent with the fundamental laws of the British constitution. Equally unfounded was the objection, that the mass of the people could not be benefited by that which, even if admitted, could only be enjoyed by a few. The glory of the English constitution was, that the lowest man in the community might aspire to the most elevated situation in the power of the monarch to bestow. To be entitled to sit in parliament required a qualification of three hundred pounds and six hundred pounds a year landed property: it was impossible that the mass of the people could all enjoy that qualification. Yet, would it follow, that if the amount of the qualification was raised to 10,000*l.* per annum, that the people of England would not be injured from that circumscribed privilege. It was not because every individual Catholic felt that he could not be a general or judge, or a possessor of some distinguished situation in the state, that he felt aggrieved. No.—The injury which he sustained was the restriction to return, or to assist in advancing any of those who had a common feeling with himself. Such a power was recognized by the British constitution, and to withhold it without justifiable and evident reasons of necessity, was a severe oppression and injustice. Let the House seriously consider to what dangers Ireland may be exposed, when the enemy shall have possessed themselves of the Spanish peninsula. Let the Reverend Bench before him answer, whether the safety of the church was now more endangered by the spiritual influence of the pope, or the temporal power of the enemy? He might be told Ireland was loyal. He knew she was so, but he beseeched them to weigh well the consequences which continued refusal working upon irritation and discontent might ultimately produce. The enemy of the British empire was every day extending his movements, in every quarter consolidating his means of annoyance. It behoved then their lordships particularly to provide against danger in the point where it was most apprehended, and there the empire was most vulnerable. Such dangers threatened from without. Was there nothing to appal from a view of our internal situation? When every thing that was visible was of an alarming nature, it was no inconsiderable aggravation of the evil to see the great men which had been snatched from their country by the hand of death, at the moment when her perils stood most in need of their commanding talents. Within the last four years they had lost two great statesmen, Mr. Fox and Mr. Pitt, to whom, above all others, he could safely affirm, the different political descriptions in the country looked up for that wisdom in council and energy in execution, so necessary in any pressing emergency of public affairs. To these was now added that third loss, the subject of their present lamentations. It was unnecessary to say that he alluded to the late Mr. Windham. It was his misfortune at different times to differ from that distinguished and regretted character, yet in the heat of political disagreement, he never ceased to admire his many and splendid virtues.—He was a man of a great, original, and commanding genius—with a mind cultivated with the richest stores of intellectual wealth, and a fancy winged to the highest flights of a most captivating imagery; of sound and spotless integrity [Hear! hear!], with a warm spirit, but a generous heart [hear! hear!], and of a courage and determination so characteristic, as to hold him forward as the strong example of what the old English heart could effect or endure. He was such a man, that his adversary, if there was any man worthy to be his adversary, must respect him. He had, indeed, his faults, but they served like the skilful disposition of shade in works of art, to make the impression of his virtues more striking, and gave additional grandeur to the great outline of his character. To Mr. Windham and himself the Catholics of England entrusted the care of their petition, and he was only sorry that the subject in respect to them had not been taken up earlier. They laboured under restrictions much more galling than those of the Catholics of Ireland; at least, there could be no objection to place them on the same footing. He could say of them that he enjoyed the honour of an acquaintance with many of them in his own county, that in the exemplary discharge of the duties of life, they could not be excelled, and if religion was to be appreciated by the conduct of those who professed it, he must at least say that the religion which produced such fruits could not be a bad one. The noble earl concluded his most animated speech with an appeal to the House, to best consult the interests of the empire by going into a Committee.

The Earl of *Liverpool* said, that when no specific security was offered by the Catholics, they could not presume that their lordships could grant their complete emancipation, and at the same time endanger the state. The noble earl entered into a review of the different kingdoms in Europe, and contended, that not one of them had ever thought of giving an equal toleration to those religious persuasions who were not connected with the state, except Poland. And what was the consequence?—The moment they granted toleration, those that appeared to be Protestants before, became Catholics. He would never consent to endanger this country in the same way; under which consideration he would vote against the motion.

Lord *Redesdale* spoke against the measure, as, in his opinion, it would endanger the state.

The Earl of *Donoughmore* rose to reply and spoke as follows:—My lords; so little of real argument has been attempted, in the course of this debate, against the motion which I have submitted to the House, and in which I have been so strongly and so eloquently supported, that it will not be necessary for me to trouble your lordships now at any length, in endeavouring to remove objections already answered, or to give additional force to those suggestions which I have urged as the grounds of my proposition, and to which no reply has been attempted. When we come to the question of numbers, I know not whether we shall appear to have gained any accession of strength; but, when we call to mind the manner in which this subject has been debated in this House on every former occasion—and the cruel and unfounded imputations against the cause of the Catholics, their religion, and themselves, which have heretofore made too large a part of those discussions to which I have alluded—and when we have had the satisfaction of witnessing the temperate and respectful manner, in which the claims of the Catholics have been treated, almost through the whole course of this debate—it is obvious, that their cause has made great and rapid advances in your lordship's minds, as it has confessedly done in the opinions of the public.

No man has told us during the course of this debate, that it was a necessary consequence of the religion of three-fourths of Christian Europe, that its professors should be faithless subjects to every government, where Catholicism is not the religion of the state. Even the noble earl himself (lord Clancarty) declares, that he is perfectly satisfied, as to what he calls all the king-killing doctrines.—No man has said, that Catholics were not equally observant, with those of every other religious persuasion, of the sanctimonious obligations of an oath. We have heard nothing to-night of the apprehension of the overthrow of the Protestant government—or of the arrangement of property under the existing laws.—No man now charges the rebellion of 1799 as a religious war—Nor has it been urged, as an argument against restoring to the Catholics those constitutional privileges, which they claim as their birth-right, that they will hereafter require a participation in the property and power of the established church, of which they are not members, and the rights of which they are bound by their oaths not to disturb.

During the whole course of the debate, no imputation has been attempted to be thrown upon those, whose cause I have been pleading, except in one single instance, by the noble earl, who first rose to oppose the motion which I have submitted to the House. Giving the noble earl credit for the perfect correctness of his history, of the excommunicated Catholic shoemaker and the Irish prelate of that persuasion, it would be no mighty argument, after all, against the restoration of their rights to his Majesty's Catholic subjects. Unhappily however for the argument, such as it is, your lordships have heard the statement directly controverted; and for my own part, I have no doubt the noble earl has been completely misinformed. But giving him the full force of the argument, what does it amount to? A Catholic prelate excommunicates a shoemaker of his own communion—the man brings his action, and recovers damages—a motion is made to set the verdict aside—which has been refused, and consequently the verdict remains in full force—and the complainant has received redress for the injury which he had sustained. Is it therefore such an argument as this, which the noble earl has thought fit to place, in the front of his objections to the claims of his Catholic countrymen, viz. that in a single solitary instance, one of their prelates is charged with an arrogation or an abuse of jurisdiction, for which the laws as they stand have provided a remedy, and which, according to the noble earl's own statement, the person complaining of the injury appears to have already received?

In the length of observation, to which he has gone, upon the resolutions of the Catholic prelates of 26th February last, I think it entirely unnecessary for me to follow the noble earl—first, because I do not see how it applies as an argument against going into a committee now, to discuss the claims of the Catholics—and secondly, because these objections have been already completely refuted by a learned and eloquent baron (lord Erskine), who has only found it necessary for that purpose, to call your lordships' attention to those parts of the same resolutions, which must either have escaped the attention of the noble earl, or which he has not thought it fitting to bring under your observation.

The noble earl opposes my motion, for referring these petitions to a commitee, the object of which must avowedly be to enter into all the necessary details; and what are the grounds of his objections? Those very details which he will not allow to me the only parliamentary opportunity of discussing. And what is the line of argument which the noble earl has pursued, in speaking against the principle of the measure which I have been urging? He supposes himself to be already in that committee, into which he will not allow the House to enter; and he gives us a plan of his own for the relief of the Catholics, whom he thus puts himself forward to resist, the first and indispensable preliminary step to their obtaining relief of any kind.

But I am told by the noble earl, and also by the noble lord on the woolsack, that I have not informed the House, what the objects of my motion are, or the purposes for which I have called upon the House to refer these petitions to a Committee.—I cannot help expressing my astonishment at such an objection as this—I distinctly stated in opening the case of the petitioners, that I complained on behalf of his Majesty's Catholic subjects of common rights withheld—equal privileges denied——unequal restrictions imposed. And I called upon your lordships to go into a Committee, for the purpose of removing that injurious system of legislation, by which, the Catholics are still oppressed—restoring them to the full and complete enjoyment of every political privilege—and giving to the Protestant state assurances, sufficient to satisfy the greatest alarmist, and not inconsistent with the essential doctrines and discipline of the Catholic Church. Such was the nature of my proposition—thus I opened, and endeavoured to enforce it—and I cannot well conceive a proposition more explicit and intelligible; although the noble lords affect not to understand the nature of that claim upon the justice of the House, which they are determined to resist.

In answer to the argument, which I had drawn from the circumstances attending the measure of 1793, the noble secretary of state has urged, that the Catholics appear to have specifically stated all their demands at that time—that they had received from parliament more than they had themselves desired—that they were not satisfied yet—and the very year after claimed all that they now require. The noble secretary of state is entirely mistaken, in considering this a correct statement of the fact. If the Irish administration had taken up their petition, as they ought to have done, at the period to which I have alluded, they would have been satisfied with receiving at that time, the restitution of a portion only of the elective franchise. But the Catholics were never so wanting to the justice of their own cause, as to have stated at any time—or any friend of theirs in their name—that they were willing to enter into an unworthy compromise, and, in order to be restored to the enjoyment of the rest, to make a disgraceful barter of any part of those constitutional privileges, of which they claim an equal enjoyment with every other member of the state. Neither was it in the next year, as the noble secretary of state appears to imagine, that any new claim was made on behalf of the Catholics. Whatever was claimed, in addition to those privileges which the act of 1793 restores, was not the consequence of any application on their part—the proposition came, in the shape of an amendment of that act during its progress, unsolicited by themselves—from those of their parliamentary friends, who were of opinion—and justly—that the moment was arrived, for a complete and final settlement of all their claims—and for their full participation in every privilege of the constitution.

The noble secretary of state has contended, in answer to what has been said by some of the noble lords who have supported my motion, that no pledge was given to the Catholics at the time of the Union. If the noble earl means to deny any specific engagement as having been entered into with the Catholics, on the part of the government, at that time, the noble earl is perfectly correct. I will not do the noble marquis (lord Cornwallis), who is now no more, the injustice to claim any such engagement on his part, on behalf of the Catholics. But will the noble secretary of state deny, that during the whole course of the progress of that important measure, every means were resorted to, to procure their valuable, and indeed necessary support; by endeavouring to impress upon their minds, the accomplishment of the measure of Union, as the certain forerunner of their own complete emancipation? Does not the noble secretary of state recollect, that the question was so argued, by the principal friends of the government, in both Houses of Parliament? No man can forget the speech of the right hon. gent. (Mr. Pitt), now no more, which holds out assurances, to which the Catholics must have looked up with expectations most confident—and the entire disappointment of which—even in the course of his own parliamentary conduct—undoubtedly does not form the most gratifying feature, in the review of the political life of that great man? Will the noble secretary of state deny, that the measure of Union—unsuccessful in the first session of parliament, succeeded ultimately in consequence of their support? The first favourable turn, which that question experienced after its first rejection, was marked by the approbation of an important southern county (Tipperary), of an address which I had the honor of proposing to the King, declaring their acquiescence in the propriety of the measure. But what was the principal, and almost the only feature in this address, carried, as it was, greatly by the means of Catholic support? Catholic emancipation—to which the addressers look forward, as the certain consequence of the Union. But treaty-making has never been the *forte* of my unfortunate countrymen. From the articles of Limerick to the Union compact, have they not had too much reason to feel and to complain, that they have never negotiated with this country, without having been deceived?

But the noble secretary of state, after having descanted for a long time on the great unreasonableness of the Irish Catholics, in not agreeing to concede the veto, and that of their prelates, in declaring that they do not see the necessity of the domestic arrangement, about which the other noble earl (Clancarty) told us so much—comes back again to the old position, which I always feared the noble earl would never abandon—and says candidly at last, that he will stand upon the oath of supremacy. But the noble secretary of state took another favourite position in 1805, from which I am apprehensive it will be equally difficult to dislodge him. He then told your lordships that he would take his stand at the Union—which he would consider as final and conclusive, as to the situation of the Catholic—and that such as he found it at that period, it must remain—then and for ever.—A fearful denunciation by his Majesty's principal secretary of state, against four millions of faithful subjects! and a parliamentary notice to them, by the authority of one of the ministers of the crown, to begin to despair, from that very period, which another of his Majesty's servants—a great man now no more—held up to their sanguine hopes, as the happy æra, at which all their brightest prospects were to have commenced!

The noble secretary of state has told us, however, that things must remain as they are. What, my lords, four-fifths of the hardy population of that country whose cause I am pleading, deprived of the dearest privileges of their birth-right! Pointed out, by the finger of the legislature, as just objects of suspicion to their fellow-subjects! Admitted already into the fortress of the state—in all their numbers and known energy of character—you tell them they are not to be trusted—whilst you are forced to rely upon their fidelity, for the preservation of all your dearest interests.

But I tell the noble secretary of state, that things cannot remain as they are. The Irish Catholic millions will not, and as little for the interest of their country as for their own, ought they to be satisfied to remain, in the state of political annihilation which the noble secretary of state has thought fit to pronounce as their irrevocable doom. My countrymen are a people sufficiently susceptible of strong feelings—and too prone to act upon the sudden pressure of irritation.—The circumstances of America—once a British colony, now an independent state—cannot have passed them by unheeded—and I trust that Britain, acquiring wisdom from dear-bought experience, will not fail to profit by the example.

On what grounds is it then, that the noble secretary of state, and the noble lord upon the wool-sack, have chosen to rest their objections, against the claims of his Majesty's Catholic subjects? On the old cant of the Corporation and Test acts, the Act of Settlement, and the Revolution of 1688. But before the noble lords had adverted again to this, the eternal topic of declamation—I think it would have been reasonable at least, that they should have attempted some sort of reply to those arguments, which I thought I had urged with some force, against that very line of objection, on which both these noble lords appear still, and entirely to rely. But they seem to have satisfied themselves with repeating their former assertions, without condescending to offer one argument in their support; leaving what I have had the honor to urge to your lordships, on this part of the subject, which I will not presume to call unanswerable—certainly as yet unanswered in this House.

But the noble lord on the woolsack has said, that the Catholics had no ground of any sort for complaint—that they had had a complete toleration for a century and a half. What my lords, a complete toleration! When such was the state of political wretchedness and degradation, to which the penal code had reduced that suffering class of his Majesty's subjects, that the first relaxation is always reckoned from the statute of 1774; by which the Catholic obtains, as a peculiar grace, the privilege of being permitted to declare his allegiance to the King. Of this first duty of the citizen to the state, the law conceived his Majesty's Catholic subjects incapable, till that act was passed; and the government appears to have acted from a full conviction of the truth of such a proposition, in withholding in the case of that unhappy class of men; for so long a period of time; the performance of the reciprocal duty, which was due on the part of the state; that of protection.

But my noble and eloquent friend (lord Holland) has made it unnecessary for me to dwell any longer upon this extraordinary assumption of the noble and learned lord, which my noble friend has effectually combatted with his own appropriate force and feeling.

Of the effects of the disqualifying code, you have already had a long and a melancholy experience. Has it succeeded in any one of those objects which it professed to have had in view? Has it not alienated from the government the affections and the confidence of the people? sufficiently operative in the insecurity of one essential part of his Majesty's dominions, and in the comparative weakness of the whole British empire.—But it has converted the great bulk of the population to the religion of the state.

By the unabated persecutions of more than a century; you endeavoured to extirpate the Roman Catholic religion; sagacious and successful legislators, in your crusade against the liberty of conscience and the opinions of a people! what remnant has survived your system of pains and penalties? four millions of Christians! to glorify God after the manner of their forefathers; for the preservation, almost miraculous, which he has vouchsafed to extend to their church and to themselves—an eternal monument of unshaken fidelity on the one hand, and of the weakness and the vanity of human presumption on the other!

Do you feel no compunctious visitings, for the evils which you have inflicted, and continued from generation to generation—and are you not prepared to make restitution? That branch of the religion of Christ, which you have not been able to put down, will you not recognise, respect, and cherish? It has gone through the fiery trial of privations and disabilities; and is worthy, from its sufferings and its constancy;—to stand, as an acknowledged sister by the side of the established church.

If popery be still formidable, let it be chained; chain it to the British constitution; the links will bind us all to the state and to each other.—Do you still continue to view your Catholic fellow-subjects with apprehension and distrust? secure them—not by disabilities and discouragements, which sour the temper, and break the spirits of men—but secure them by cords of interest, by ties of affection—Shew them, that you feel your dearest interest and theirs embarked in the same bottom—and you will be sure to find them, actuated with an equal zeal to defend those blessings, which we enjoy as members of this free state—because they will then possess an equal interest in them with ourselves.

But we are told, that the Catholics are already in possession of all that was interesting to the Catholic community; that this is the question of their aristocracy;—and that the people feel, that they have nothing embarked in the event of the contest—but their ears are closed against such arguments as these, which tend only to weaken and to disunite. I tell them they are all interested alike—from the peer to the peasant—Give the enemies of their emancipation, but the principle of one exclusion, upon which to take their stand—and the whole fabric of their liberties will totter to its foundation.

It is not therefore so much for the value of what remains to be given—which to the Protestants is nothing, as against the principle of the exception—which may be every thing to the Catholic. It is not only, that their property and their talents may not be excluded, from that parliament to which they have regained their constitutional privilege of becoming electors—It is not only, that their ancient nobility may not be thrust from the seats of their forefathers—It is not the admission into the few excepted offices of the state, for which they are contending at the present moment—it is for the security of all their acquisitions of the last thirty years—they are contending against the spirit of exclusion—which if they are not enabled to resist, with reason and with effect, in its fullest extent—they are entitled to no political capacity whatsoever—but must be content to hold, even those rights which they are now permitted to enjoy, as mere tenants at will on the precarious courtesy of a Protestant legislature. That spirit of exclusion, which must be melted down in the acknowledged justice of their claims, opening wide the arms of the constitution to embrace all the members of the state—or it will rise against them in some more questionable shape—and the same principle may convulse the state in less propitious times than these—by a vain attempt to reclaim the acquisitions of 1793, which would now withhold the remnant of privilege which is left.

To the Protestant, I would urge what he has given already, as the surest earnest to the Catholic of that which remains behind—to him I would say, that the concession of 1793, which gave the Catholic the franchise, has insured all he now claims, as included in the same political equity—as a link of the same great national chain—and therefore it is that I support their complete emancipation now—as the necessary consequence of the privileges of 1793—to crown that system of justice and of liberality, which had nearly united us into one people—to strengthen the Protestant cause, by quieting the Catholic mind—to shut up, till time shall be no more, every angry discussion—to make every man, verily and indeed, a neighbour to his fellow citizen—and to secure to the state the allegiance of every member of the community, by giving to all, those motives of action which influence all mankind—their own interest and happiness.

Their lordships then divided, when there appeared—

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HOUSE OF COMMONS.

Wednesday, June 6.

[Committee of Supply.] The House resolved into a Committee of Supply.

Mr. Secretary *Ryder* moved the grant suspended on a former day, at the instance of Mr. Whitbread, for 1,034*l.* to Mr. Read, the Bow-street magistrate, for the expence of extra constables on the late occasion of sir F. Burdett's commitment to the Tower.

Mr. *Whitbread* said the return made to the House of the particulars of this charge were by no means satisfactory. It appeared that the magistrates had been extremely dilatory in calling out the constables.

Mr. *Ryder* said, the reports were regularly made to him, and he had every reason to believe the special constables were all at their respective posts.

Mr. *Whitbread* did not know what reports were made to the right hon. secretary, but he knew what reports were made to himself. He had been much fatigued, and went to bed. And about ten o'clock his servant came and told him the mob was breaking sir J. Anstruther's windows, so that it was evident there were no constables at all to prevent such proceedings, and when the House was now called upon to vote 1,034*l.* for special constables, he could not agree to it.

Sir *J. Newport* instanced the breaking of lord Castlereagh's windows by the mob a few minutes after; and opposed the motion on the same ground as Mr. Whitbread.

The *Chancellor of the Exchequer* said it was in many cases impossible to prevent the appearance of a mob very suddenly at some particular point, witness the various cases of election mobs. In Downing-street, that very evening, there was an appearance of the greatest tranquillity, but a very great mob appeared there in the course of five minutes. Wherever the mob might have collected together, they went in separate parties to sir J. Anstruther's, lord Wellesley's, and lord Castlereagh's, and did the mischief in a very few minutes. With respect to the present motion, he could not conceive there could be any objection to the propriety of it. When expence was incurred on such occasions it ought to be made good.

Mr. *C. Wynn* and General *Tarleton* spoke shortly against the resolution.

Mr. *Whitbread* said the right hon secretary had talked much of reports, but who made these reports? where did they come from? They came from police officers who were to have the disposal of this money. The right hon. secretary had also said he was at his post. He (Mr. W.) could not conceive where that post might be; for, according to the account given by the serjeant of that House, in the course of the many times he went to the right hon. gent.'s office, he found Mr. Beckett at his post, but never could set eye on the right hon. gent. after he quitted that House.

Mr. *D. Giddy* said it was easy to argue retrospectively, but he firmly believed if the hon. gentlemen who opposed the motion had been in the situation of ministers, they would have acted in the same way as ministers had done.

The motion was then agreed to.

[THE RELEASE OF SIR F. BURDETT, &c.] Mr. *C. Dundas* presented a Petition from the gentlemen, clergy, freeholders, householders, and other inhabitants of the county of Berks, in full county assembled at Reading the 5th day of June 1810, by the appointment of the sheriff, setting forth, "That the Petitioners beg leave, at this important crisis, most respectfully to direct the attention of the House to a Petition presented to them on the 6th of May 1793, in which, among other allegations, it was asserted, and offered to be proved, that the House of Commons did not fully and fairly represent the people of England; that the elective franchise was so partially distributed, that a majority of the House was elected by only the 170th part of the male population of England paying taxes; that 84 individuals did, by their own immediate authority, send 157 of the hon. members to parliament; that, in addition to these 157, 150 more were returned to the hon. House, not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals, by which means 154 patrons return a decided majority of the House; and that this partial distribution of the elective franchise commits the choice of representatives to select bodies of men, of such limited numbers, as renders them an easy prey to the artful, or a ready purchase to the wealthy; and that the Petitioners deeply lament that the evils pointed out in the Petition above-mentioned still continue to exist; and to this cause of unequal representation the Petitioners are convinced many bad effects are to be attributed, and, among others, beg leave to point out the notorious buying and selling of seats in the House; and that the Petitioners beg leave to call the attention of the House to a Resolution on their Journals, passed in the year 1779, in the words following: 'That it is highly criminal for 'any minister or ministers, or any servant 'of the crown in Great Britain, directly or 'indirectly, to make use of the power of 'his office, in order to influence the election of members of parliament, and that 'an attempt to exercise that influence is 'an attack upon the dignity, the honour 'and the independence of parliament, an 'infringement of the rights and liberties 'of the people, and an attempt to sap the 'basis of our free and happy constitution;' and compare the said Resolution with the refusal of the House to enquire into the conduct of lord Castlereagh and Mr. Perceval (then two of his Majesty's ministers) when distinctly charged with the sale of a seat in the House, evidence of which was offered at the bar by a member of the House; and the avowal in the House 'that such practices were as notorious as the sun at noon day,' practices, at the bare mention of which the Speaker of the House declared that our ancestors would have startled with indignation; and that the Petitioners further beg leave to call the attention of the House to the Report of one of their committees, wherein it is stated that 78 placemen and pensioners, who have seats in the House, receive 178,994*l.* out of the taxes raised upon the people, and of course out of the money, to watch over the expenditure of which they are appointed, which the Petitioners have reason to think may have influenced, in some late instances, the votes of the House; and particularly in the approbation given to the conduct of ministers in the late unfortunate and ill-conducted Expedition to the Scheldt, where the flower of our troops, without the opportunity of any exploit worthy of them, was permitted for months to perish by disease by the pestilential air of Walcheren, where life was extinguished like a candle in a vault, and where the blood and treasure of the nation were lavishly uselessly and scandalously wasted, which vote of approbation has excited universal disgust; and that the Petitioners beg leave moreover to call the attention of the House to the present duration of parliaments, and to the circumstances which made them septennial instead of triennial, as enacted by 6th William and Mary, and which law remained in force during the most glorious period of our history; and therefore praying, that the House will take such measures as to them shall seem meet, to correct the present partial distribution of the elective franchise, to regulate the right of voting upon an uniform and equitable principle, to limit the number of placemen and pensioners who shall have seats in the House, and, finally, to shorten the duration of parliaments, and by removing the causes of that confusion, litigation and expence with which they are at this day conducted, to render frequent and new elections, what our ancestors at the Revolution asserted them to be, the means of a happy union and good agreement between the King and people."

Ordered, that the said Petition do lie upon the table.

Mr. C. Dundas next presented another Petition from the same parties, setting forth, "That the Petitioners beg leave to express their sincere regret and great alarm at the injury suffered by the people in the punishment inflicted on Mr. John Gale Jones and sir Francis Burdett, bart. without that trial by jury which by the Great Charter is declared to be the law of the land, and which is the principal bulwark of our liberties, and which we from our infancy have been taught to consider as our birthright, and to be so firmly established as to defy every encroachment on our persons or property by the assumption of any arbitrary power whatever, and in furtherance of this power the Petitioners have witnessed the house of an Englishman, formerly esteemed his castle, broken open; (an act of which, as declared by the King's attorney general, there was no express legal authority to support the exercise;) and one of the representatives of the people taken therefrom by a mililitary force (unnecessarily and unprecedentedly called forth) and shut up in prison during pleasure, one of the consequences arising wherefrom has been the shedding of the blood of innocent and unoffending persons, and the Petitioners are in nowise desirous of seeing the House deprived of those privileges which are necessary to maintain its dignity and independence; but on the contrary, would heartily support any measure requisite for that purpose; but they beg leave to state, that they conceive that the exercise of the power now mentioned cannot in any degree contribute to the maintenance of that dignity and independence, and that those ends would be more fully secured by prosecutions in the courts of law: and the Petitioners beg leave to state, that the greatest supporters of our free and glorious constitution are the liberty of person and the liberty of the press; if at any time the latter be abused for the purposes of libel, such offences are always cognizable by those tribunals which are established to administer the laws of the land; but they humbly conceive that an arbitrary imprisonment of the subjects of this realm during pleasure for an alledged libel, not proved to be such, is an infringement of both the liberty of the press and of the person; and the Petitioners are not aware that any obstructions to the proceedings of the House, made the exercise of the power of summary commitment necessary in the cases of Mr. Gale Jones and sir Francis Burdett, or that any inconvenience was likely to have ensued if their cases had been left to be decided in the ordinary course of law; and therefore praying, that the House will discharge Mr. Gale Jones and sir Francis Burdett from their confinement, and expunge the Resolutions for their commitment from the Journals of the House."

The *Chancellor of the Exchequer* said he was sorry to oppose this petition, but he thought it contained a statement which the House ought not to consider admissible. It was a distinct imputation on the House, which he thought it ought not to submit to.

Mr. *Whitbread* could scarcely command words to express the astonishment he felt at the course adopted by the right hon. gent. in recommending to the House to refuse to receive a petition, not one word of which was, as it appeared to him, either disrespectful or indecorous. What did the averment alluded to by the right hon. gent. amount to, but a statement on the part of the petitioners that the House of Commons was wrong? Was that a ground for not receiving their petition? Did the House of Commons then claim to be infallible? Was it the case that that House was never in the wrong in any of its proceedings, and that consequently it was not to suffer a petition to be presented, complaining of any of them? Suppose, in the course of next session, they were to receive petitions complaining of a tax, and asserting that the parliament was wrong in imposing it, was such a statement to be a ground for not receiving it? And yet the objection of the right hon. gent. would go to that extent. How, indeed, were petitioners to word their petitions complaining of grievances, unless by directly stating them? Were they to say that the House was right, when they meant it was wrong? Were they to state that the House was all lenience, all moderation, all generosity and forbearance, when they intended to bring under its consideration those of its acts which they had to complain of as grievances? Were they to state that no improper influence was exerted within the walls of that House, no votes procured, nor any injury done to the people, and therefore pray the House to rescind its resolutions? If petitions were not to resort to such courtly phraseology, in what more decorous language could they represent their grievances, than that contained in the petition under consideration?—If the House were to reject this petition, it would be the climax of absurd and unconstitutional conduct respecting petitions, and would amount to a declaration that the people should not petition at all. Here he should beg leave to remind the House of the situation in which it stood as to petitions, and to call the attention of gentlemen to the calumny which had been uttered against the city of London, when its first petition was presented. That petition was represented as a studied insult on the part of the petitioners; and yet the city of London afterwards proved, by presenting another which had been received, that no such object was in the contemplation of the petitioners. The same thing had been proved in the case of an individual, (major Cartwright) whose petition he had presented, and which had been rejected on the same ground of its being a studied insult. That individual, however, like the livery of London, which had been represented as composed of a rabble from Saffron-hill, presented another petition, leaving out the expressions excepted against; and that petition had also been received, confirming what he had previously been convinced of, that it had never been the intention of that individual to insult the House of Commons. After these petitions, came this petition from the freeholders of Berkshire, praying the House to revise their former vote. What was thus asked, but what they had done before after twenty years experience? The petitioners said that the House was wrong in the proceeding it had adopted, and proposed that it should be re-considered; and in this prayed for no more than the precedent in the case of the proceedings against Mr. Wilkes warranted them in expecting. He felt so strongly upon this subject, that notwithstanding the thinness of the House, he should take its sense upon this climax of folly and absurdity—the proposition for rejecting the petition.

Sir *J. Newport* could not conceive any language more decorous, moderate, or respectful, than the terms in which the petitioners stated the wrongs of which they complained. The House might think itself right; but yet the petitioners, if they thought the proceedings of the House wrong, had a right to petition that they should be rescinded. That House should ever bear in mind, that for many successive years, petitions had been presented, complaining of the proceedings against Mr. Wilkes, which had been uniformly rejected; yet these proceedings were at last expunged from the journals, which proved the petitioners, whose prayers had been so often rejected, to be right. This was enough to shew that the House was not infallible in its votes.

Mr. Secretary *Ryder* agreed, that, if this petition was drawn up in respectful language, it ought to be received. But he was at a loss to know by what construction it could be supposed to be so drawn up; for he could not conceive any language more disrespectful or insulting to that House, than a petition charging its proceedings as an injury to the people. He would admit that any branch of their constituents had a right to state their opinions on their proceedings, though not to represent them as an injury to the people. He could not imagine any more poignant insult to the House than such a petition. On that ground, and on that solely, he should oppose the receiving the petition. But he could not avoid contrasting the conduct of the hon. gentlemen opposite, in supporting this petition, with their conduct in rejecting yesterday unanimously the petition of the Gloucestershire electors, who complained that a person sat in that House as their representative who had no legal right to such seat.

Mr. *Brougham* was surprised at the tone and substance of the right hon. gent.'s observations. The question was not now whether by receiving this petition, they were to submit to receive all manner of petitions, but whether by rejecting the present petition they were to tell the electors of Berkshire and the country, that the right of petition was at an end. No member had denied that this petition was the petition of an authorized meeting, constitutionally convened by their legal magistrate. And was the House to refuse to receive it, because the petitioners complained that the proceedings of that House were an injury to the people? Was it to be asserted, that, whenever petitioners differed from that House, as to any thing that may have passed there, they were not to be heard by their petition? Though the House might be right, still, if the electors of Berkshire thought otherwise, they had a right to say so by petition. But it would be inconsistent in the House to reject this petition, after having received the preceding petition, because that set out with a charge that they were not the House of Commons. The former went to the whole constitution of the House: the latter only a part of its proceedings. There was no analogy between this petition and the one which had been rejected on the previous evening. But the right hon. secretary, who seemed a kind of depository of the dignity of the House, considered this petition from the landed gentry of Berkshire, as a poignant insult to the House. He trusted, however, that the House would not treat the people with such cruelty, as to reject a petition drawn up in such moderate language, and so respectfully presented.

Sir *S. Romilly* considered this as a most serious question. In the present situation of that House and the country, it would be an awful, an alarming event, if the House were to prove itself obviously wrong by rejecting so respectable and moderate a petition. It appeared that his Majesty's ministers had determined to make a stand against receiving any petitions but such as they should themselves approve of (hear! hear!) He should be glad to know how, if the petitioners were to complain of a wrong, they could disguise their object so as not to incur the opposition of the right hon. gentlemen opposite? It seemed that these right hon. gentlemen, intoxicated with their success in rejecting the petitions of the people, yet unwilling to break with the House of Commons and still desirous to approach it respectfully, were determined to shut the doors of that House against the complaints of the people. The right hon. secretary had condescended to assert, that because they had last night rejected a petition which he wished to receive, they should, in consistency, now not receive a petition which he wished to reject. If the right hon. gent. had looked round him on his coming in from the lobby, he would have perceived that a great number of gentlemen who were in the habit of voting with him on great political questions, voted against him last night. But there was no analogy whatever between the two petitions. The petition of the former evening had been rejected because no proof whatever had been offered in support of the allegations of the petition. They could not consider the statement of an hon. member who went out to the lobby to consult counsel there, when the petitioners claimed not to be heard by counsel, as any undertaking to prove these allegations. It was expressly on the ground that no such proof was offered that the petition had been rejected. But the right hon. gent. should have spoken last night upon the subject, instead of deferring his observations till to-day. The vote he (sir Samuel) had given on that occasion, he had given conscientiously and upon mature deliberation; and he would undertake to say, as conscientiously as any vote that right hon. gent. had ever given. He did not think the right hon. gent. warranted, therefore, in making matter of reproach to him, amongst the majority, for having voted in that manner. If there was a disposition on the part of the right hon. gentlemen opposite to reject this petition, he should think it better to adopt the course followed with respect to former petitions, and adjourn the debate for 24 hours.

Mr. *Stephen* believed that the petition had been presented for the mere purpose of insulting the House, and should oppose laying on the table a strong invective against the proceedings of the House, in whatever way it might be worded. The petitioners had no more interest in the prayer of their petition than the whole people of England. He might be disposed to overlook strong language where petitioners had a private interest. But when the question was argued in so high a tone, as if it was intended to overthrow the right to petition, he must say that gentlemen misunderstood the proceeding of laying a petition on the table, which was, that some future proceeding was to take place upon it. He believed that in the best times and most boasted, a petition so worded as this, so far from being received, would be considered a direct contempt. His hon. and learned friend could not forget the case of Mrs. Crowe, committed for contempt by lord Erskine, on the motion of his learned friend, and without any reference to Magna Charta, now so much talked of. Was the House of Commons not to have a power which belonged to every petty court of record in the country? He could not submit to the charge that innocent blood had been shed in consequence of the proceedings of that House; he believed it was the consequence of the violent, unconstitutional, and, he must say, seditious resistance to the legal authority of the House of Commons. When they considered the bad spirit that was abroad, and so much the worse for having been taken up by respectable meetings, it became that House to resist it. He was sorry for this spirit, but would trust to the good sense of the people of England. He should not, however, wilfully submit to the degradation of parliament.

Lord *Milton* felt alarmed lest this petition should be rejected, because if it should, no other petition could ever be received. The objection of the right hon. gentlemen would avail against all petitions. What could be the subject of petition but the complaint of injury? If the people and that House were agreed, there could be no foundation for a petition. A short time since, there were a number of Scotch petitions, complaining of the injury the distillery bill before the House would do the petitioners; and yet no one of them was rejected on the ground of such complaint; but the learned gent. (Mr. Stephen) objected to the substance of the petition. He was glad that the learned gent. had let out the secret: he was rejoiced, if such was the intention, to be apprised that the doors of that House were to be closed against the legitimate complaints of the people. For his part, he thought highly of the privileges of that House, and that they actually were essential to, and belonged to it; and he lamented as much as any man that a petition such as that under consideration should have been presented against them. The hon. and learned gent. stated, that the petitioners had no more right than the people at large in the prayer of their petition. But what was the right of petitioning? what was it that our ancestors fought and bled for? The doctrine of the learned gent. would go the length of establishing, that no man had a right to petition, but the man who had an interest in the object of the petition. He was by no means surprised at the conduct of the right hon. gentlemen opposite on this occasion, because on the subject of petitions, they appeared to be influenced by the most extravagant infatuation. He hoped that they had at length arrived at the end of these insults to the people by the rejection of their petitions.

Mr. *Barham*, if he thought the petition disrespectful, should vote against it; but so far from thinking so, he was convinced of the contrary. He voted against a former petition, because he considered it a studied insult; but he observed, this contained a studied intention not to offend. It was impossible to conceive how the allegations of the petition could be expressed in more decorous terms. He was sorry to find that the right hon. secretary had made the question of last night a party-question. But in his conscience he believed, that if the right hon. gent. could lead the House to reject this petition, he would lead it to a vote which must be expunged.

Mr. *Lockhart* was of opinion that the petition ought to be rejected, because it charged that House with the highest political crime, the assumption of arbitrary power. As the petition was worded it appeared not intended to obtain redress; its object was libel.

Mr. *C. Dundas* having presented the petition felt it necessary to state, that the meeting from which the petition was presented, was one of the most numerous and respectable that had ever been convened in the county. He excused the learned gent. opposite for what he had said of that meeting, from his ignorance of the situation, the rank and the consequence of the persons assembled. When he mentioned the name of sir John Throgmorton, the House would be sensible that he was as high in rank, in honour, in talents, and in personal respectability, as any gentleman in or out of that House. The question now was, whether the representatives were to draw up their petitions for the people.

Sir *James Hall,* as he understood the petition to charge the proceedings of that House, as having been the cause of the shedding of innocent blood, he was astonished that any gentleman could consider it inoffensive. All the blood that was shed was the consequence of the idle and boyish mutiny of the member in the Tower.

Mr. *G. Vansittart* regretted that any expression should have been introduced into the petition, which could give rise to a supposition that the petitioners charged upon the proceedings of that House the innocent blood shed. He must say that the military behaved with exemplary moderation.

Mr. *Yorke* would have been disposed to lean to receiving the petitions from the people; but since he had heard the petition under consideration read, he was sorry to say that his opinion of it was, that it was intended as an insult to the House. Entertaining this opinion, therefore, he did not think it ought to be suffered to be on the table. The rejection of the petition besides, would not be any injury to the petitioners, because they might next day present another petition for the same object, but couched in decent and respectful language. Whilst he considered it the undoubted right of the subject to petition, he must contend that it was consonant to the practice of the best times, that such petitions as were presented to that House or to the Sovereign, should be drawn up with delicacy, and not made the vehicle of insult and opprobrium. If that opinion of his was correct, and contained the true rule to judge by, the question really was, what was it that the petition stated? Here he must express his regret for the mistaken notion which had gone abroad relative to the privileges of that House, and which had led to the results they had lately witnessed. It appeared to him that all knowledge of the laws, or of the constitution of the country, had vanished from the minds of a great part, though not the greater part, of the people of this country. Was it at the present day that they should have to debate concerning the privileges of parliament? Were they yet to learn that these privileges were a part of the common law of the land? Could it be doubted that it was a part of the privileges of that House to commit for contempt? The time he trusted, was not so far distant when that question would be decided by the best authority that could determine it, and when every doubt upon this important subject would be set at rest for ever. With reference to all that had occurred on this point, he happened to have had a considerable share, in having recommended to the House the commitment of Gale Jones. On the best consideration which he had since been able to bestow upon the subject he was conscientiously of opinion, that in the part he had taken he was right; and that in the course the House had adopted, it was justified according to the soundest principles of the constitution of parliament as understood in the very best periods of our history. Gentlemen would bear in mind that the question for the commitment of John Gale Jones was agreed to in a House not very thinly attended, *nem. con.* It had been said, and much insisted upon, that it was not prudent to take such a step, or to exercise the privilege upon such an occasion. To this all he had to say was, that it appeared to him a proper time for the House to make a stand, and put a stop to that flood of insult and abuse, which threatened, at no very distant period, to overthrow the authority and foundations of parliament. It might, then, be asked why he had not brought the question under the consideration of the House, until his own name was introduced, coupled with that of another member (Mr. Windham) now unfortunately no more, but whose loss would be ever deplored by all those who were friends to the privileges of the House and the constitutional liberties of the country, who were enemies to the phrenzied speculations, that had so much of late occupied the imaginations of wild theorists and innovators. It was not, however, without the concurrence of that eminent person, that he had taken the course that he had resorted to. He had consulted him, and had his sanction for every step he had taken. It would be to him a consolation to the latest moment of his life, that though he differed on many points from that most distinguished statesman, he had the honour to have concurred with him upon all the great principles of the constitution, upon all the grand rules of order, and upon the unalterable necessity of maintaining the ancient existing establishment. He had no apology to offer for what he had done. He had but done his duty. If Mr. Gale Jones thought his committal illegal, why had he not applied for his habeas corpus? Why had not sir F. Burdett if he thought so?—why, because they were convinced the commitment was legal. If not, the day after the commitment, they might have had their habeas and been liberated. When gentlemen talked so much of the innocent blood that had been shed, and asked upon whom it should lie, he could have no hesitation in answering upon sir F. Burdett, on his head the blood will lie till the day of judgment. If it was necessary for him to justify his principles, it was impossible for any man to contend that it was necessary to the extent to which he had carried his resistance, and which alone had led to the shedding of blood. He considered, that however ignorant the petitioners might be of the constitution, yet to charge the House directly with an assumption of arbitrary power, with breaking open the house of an Englishman, and with being the occasion of the shedding of innocent blood, was an insult so marked, that it must have been intended as such.

Mr. *Brand* was astonished at hearing an hon. and learned gent. (Mr. Stephen) speak so lightly of rejecting a petition presented on the part of so respectable a portion of the people. If he were to examine this petition minutely, he must say there was no charge on the House of Commons for causing the shedding of innocent blood, as there were entire sentences intervening between the complaint of the conduct of the House of Commons and the mention of that circumstance. When it had been stated that the meeting was attended by every thing that was most respectable in the county, it could not be supposed that it was their intention to insult the House.

Mr. *Creevey* said, that the friendship he long entertained for the hon. baronet (sir F. Burdett), made it impossible for him not to advert to some expressions which had fallen from a right hon. gent. (Mr. Yorke). He had said that the blood of the innocent persons who had lost their lives, must rest to the day of judgment on the head of the hon. baronet. Now what was it that the hon. baronet had done? He had only maintained what he conceived to be the political rights of Englishmen. The hon. baronet denied that the House had legally the right to imprison the subjects of this country by their own authority; and being of that opinion, he would not yield a willing obedience to their warrant, but resolved to shut his door, and try whether the House of Commons would go the length of breaking into his house. He would not say whether his hon. friend was right or wrong in his opinion, but he was convinced that it was an opinion which he seriously and conscientiously entertained. He thought that bad motives ought not to be lightly imputed to any man; and if the right hon. gent. chose to say that the innocent blood which was spilt was on the head of sir F. Burdett, he would be fully as well satisfied in saying, that it was on the head of that right hon. gent. He concluded by moving that the debate be adjourned.

The *Chancellor of the Exchequer* opposed the adjournment, as he thought that the subject had already been sufficiently debated.

Mr. *C. Dundas* expressed a wish that the hon. gent. would withdraw his motion for the adjournment.

Mr. *Whitbread* coincided in that recommendation; and to shew that he did not wish to protract the debate, he would abstain from replying to many things which had fallen from the first lord of the admiralty, although certainly that right hon. gent. had given considerable provocations. But when the right hon. gent. denounced a member of that House, a member of society, and stated that innocent blood was upon his head, he would say, what he should be very sorry to say, that either upon the head of the hon. bart. or on that of the right hon. gent. himself, was this blood to rest till washed off at the day of judgment. He thought no man should hastily impute bad motives, and that all should remember that precept of Holy Writ, "Judge not lest ye be judged."

The House then divided: For receiving the petition 36; For rejecting it 78.—The Petition was of course rejected.

HOUSE OF COMMONS.

Thursday, June 7.

[KING'S MESSAGE FOR AUGMENTING

THE ALLOWANCE TO THE LORD LIEUTENANT OF IRELAND.] The *Chancellor of the Exchequer* presented the following Message from his Majesty:

"G *R.;* His Majesty finds it necessary to acquaint his faithful Commons, that the salary and appointments attached to the office of the lord lieutenant of Ireland (which, in compliance with an Address from the House of Commons in Ireland, were raised by his Majesty in the year 1783 to 20,000 *l.* per annum), have been found of late years quite inadequate to the expences necessarily incident to the dignity and due maintenance of that high and important office, which has in consequence proved extremely burthensome, in a pecuniary point of view, to the distinguished persons who have successively held it: his Majesty, therefore, recommends it to this House, to consider of the means of enabling him to make such an augmentation to the present allowances of the lord lieutenant as may appear to be sufficient for the due support of his office. G. *R.*"

Ordered to be taken into consideration to-morrow.

[MR. WINDHAM — NEW WRIT FOR HIGHAM FERRERS.] Lord *Milton* rose, and in a tone which the strength of his feelings frequently rendered inaudible, spoke to the following effect: In moving, Sir, for a new writ for Higham Ferrers, I feel it to be my duty to speak of that illustrious man whose death has occasioned the present motion. It would have been better if the performance of that duty had devolved upon some more competent person; at the same time, I must say, that connected, as I had the honour to be with that illustrious man, my heart would have upbraided me if I had seen any person whatever more eager to do that justice than myself. I decline to take that course, for which are some examples, with regard to other distinguished individuals, in consequence of the last strict injunctions of my deceased friend, and in the observations which I mean to submit to you, I do not wish to allude to any particular part of his public conduct, lest such allusion should tend to create the slightest difference of opinion among those who are willing to do honour to his memory. When I speak of his great talents and unsullied integrity, I feel confident that no difference can arise, either among those who agreed or those who disagreed with him. All persons admit the splendour of his genius, the extent of his ability, the value and the variety of his mental acquirements; all who have had any opportunity of witnessing the display of his vigorous, his instructive, his rich and polished eloquence, will, I am persuaded, concur with me in the opinion, that his death has caused a great, and perhaps, an irreparable vacancy in this House. But in addition to all the qualities of genius, information and integrity, which confessedly belonged to my lamented friend, there was one character which attached to him in a most eminent degree—(Here the noble lord was quite oppressed by his emotion, and there was a loud and general cry of hear, hear, hear!)—I believe, resumed the noble lord, that it will ever remain in the memory of this House, that among the most interesting peculiarities which distinguished my friend was an undaunted intrepidity under all circumstances, such indeed as rarely falls to the lot of man, and a manly promptitude to speak his mind upon all occasions. He was the man of whom more than another it might well be said—

> Non civium ardor prava jubentium.
> Non vultus instantis tyranni
> Mente quatit solidâ.

He was the man who was never to be moved from his purpose, or relaxed in his exertion by any considerations, either of fear or of favour—no, never was he to be warped from the honest dictates of his own mind. This quality, always so valuable, and which, on all occasions, conferred such peculiar importance upon his sentiments, renders his loss at present an aggravated national calamity. For never, perhaps, was it more necessary that public men should not shrink from their duties, but act firmly and consistently with the dictates of an honest and unbiassed opinion. While I dilate upon the merits of my deceased friend, it is my wish to abstain from any thing like exaggeration. It was very rarely his lot to obtain what is usually termed popularity. But, if it be true, as it has often been remarked, that rarely high character and popularity are to be found joined together, his fate furnished an impressive illustration of that remark. There may be persons ready to follow the inclination of what is called popularity respecting my friend. But although he may not have the favour of such persons, sure I am, that in no part of his conduct did he ever want the sanction of an approving conscience—that in no instance whatever was he without that highest of human gratifications. No, his honourable mind was ever conscious that if it did not enjoy, at least it deserved the good opinion of the country.—That he actually had the good opinion of all those who are capable of truly appreciating character, I have not the slightest doubt. Among all those who attach any value to real public virtue and talent, I am firmly persuaded that no man ever stood higher. If he had faults and indiscretions, which of us are without them? but his faults and indiscretions were not of any ordinary cast, for they sprung from no ordinary source. They were not the effect of any deficiency of understanding or lowness of view—no, but of that high-minded generosity which was his peculiar characteristic. His disinterestedness was wholly unquestionable. Never did he appear to regard in the slightest degree in what manner his public conduct might affect himself—how it might impair his character or his circumstances. Influenced alone by what he conceived to be right, he steadily pursued it without any dread of consequences. Whether his ideas of right or wrong were generally correct, or whether results generally justified those ideas, certain I am that I anticipate the concurrence of those who closely observed him, that the feelings and the motives I have described, were the uniform guides of his conduct.—At an early period of his life, he had attached himself to another great man (Mr. Burke) whose loss the country had already deplored. He imbibed from that great character those opinions which he invariably pursued; and though, at one time, it might be said, that he became exceedingly alarmed at what some might regard as improvements, but what others might consider as innovations, it proceeded from a reverential awe for the true principles of the constitution.—The noble lord then exprest that it had been his wish to avoid any thing which could tend to excite controversy and to confine himself to those points, upon which controversy was impossible. It was his wish to say something on those parts of his character which others might not have had opportunities of observing, but he felt himself unequal to the task. Perhaps it was unnecessary that he should do so. The House knew his public character; and certain he was, that among his friends and foes there was but one opinion—that in his death they had sustained a loss which perhaps the youngest among them might not live to see repaired. Having thus unburdened his own mind, on the occasion, he believed he had no more to say. Had he not so expressed himself, his conduct might have been justly considered more extraordinary. He lamented what he had said had been so inelegantly spoken, but he was not able sufficiently to master his feelings to express himself as he could wish. He concluded by moving—"That the Speaker do issue his writ for a burgess to serve in parliament for the borough of Higham Ferrers, in the room of the right hon. William Windham, deceased."

Mr. *Canning*, though he had been long in the habit of opposing the public conduct of the illustrious character now no more, rose to bear his testimony to those talents and virtues which had distinguished Mr. Windham's splendid career. He felt equally with the noble lord, the impossibility of doing justice to talents so exalted, to virtues so rare. Among all the storms and all the contests which had raged in his time, whatever might have been the frenzy of the moment, he above all, had avoided the appearance and the reality of soliciting popular approbation. But if his conduct had not made him the object of transient popularity, it had secured him what was of greater value, lasting and unperishable admiration. At no time could so great a character pay the last debt of nature, without leaving a chasm much to be deplored, and difficult to fill up; but never was there a period at which his loss could be more sensibly felt than at the present. Throughout his life, from a sincere sense of public duty, he had exposed himself to every threatening evil, in what he conceived to be the cause of his country.—He had left them a proof that conduct so upright, if not calculated to gain the applause of a party, was certain of conciliating universal esteem. It had often been his (Mr. Canning's) fate, during the time he had been his contemporary, to oppose his public conduct. This he had frequently done, thinking he (Mr. Windham) carried the best principles to an excess, but never once had he suspected his motives to be dishonourable.—There was a selfishness of which it was difficult for a public man to divest himself—the selfish pleasure of pleasing those with whom they were in the habit of acting; but superior still, even of this most amiable of all selfish feelings had Mr. Windham been acquitted, both by his political friends and opponents. When he recollected the accomplishments by which that great character had been graced—when he considered the extent of his knowledge, and the force of his eloquence, which, if not the most commanding they had ever heard, was the most insinuating—which, if it did not convince, delighted all who heard it, made them feel with the man while speaking, and enter into his heart, he could not but feel somewhat reconciled to that which had been called "a blot in our constitution." He alluded to the boroughs of which so many complaints had been made. He did not say that if none such already existed in the constitution, he would create them, but among the necessary imperfections of our system, he thought it must be admitted that they had turned to a good account.—The noble lord had concluded his speech by moving that a new writ be issued for the borough of Higham Ferrers—that was one of those boroughs held up as defects in the parliamentary representation of that House. He begged the House would recollect that when, from a loss of popularity, that right hon. gentleman was deprived of a seat for his native county, that House had been indebted for the services and the splendid talents of Mr. Windham to the borough of Higham Ferrers.

A new writ was then ordered to be issued for the said borough.

[CAPTAIN FOSKETT.] Mr. *Lyttleton* said, he supposed that many gentlemen might have imagined that in consequence of a recent event he should have postponed the consideration of the present subject. He felt as much abhorrence as any man could possibly do at the cruel and barbarous attack lately made upon the royal personage who was the subject of this Petition. [See vol. 16, p. 751.] In consequence of this circumstance, he was anxious to postpone the question, provided it did not interfere with the individual interests of capt. Foskett, or the general interests of the army, which he considered equally involved. From any deliberation on the subject he was, however, relieved on that day by a message from his royal highness the duke of Cumberland, desiring if possible, that the question might be no longer deferred. He was well aware that in proposing the consideration of the present Petition many serious difficulties must arise. That House was in general indisposed to the consideration of military subjects—they seemed to look on them with a superstition—a kind of sacred awe, as if they were inaccessible to common view, and ought to remain untouched and unpolluted, in a sort of *sanctum sanctorum*. He was ready to allow that there were very few cases in which an interference with the king's prerogative was advisable; but he would say, where grievances were refused to be redressed, it was the duty of that House to make a respectful remonstrance, and if after this remonstrance such military grievances still remained, they ought then to withhold the supplies of the army. The case of captain Foskett was a peculiar grievance, a case in which a standing law of the army had been violated, to the detriment of an unoffending individual.—The hon. member here stated the three grounds of complaint against the duke of Cumberland; the first of which was an attempt to force a junior officer over the head of captain Foskett. The second, detaining him at home when the regiment was ordered on foreign service; and the third was, the refusal to him of regular leave of absence. The hon. member proved those grievances by a reference to several military documents which had passed upon the subject. He then proceeded to defend captain Foskett from several charges which had been made against him by an hon. general opposite, and particularly from the accusation with respect to the duel. He observed however, that one of captain Foskett's alleged grievances took place before the duel, so that it could not possibly be fairly introduced to palliate the injustice towards him. If there was any thing unfair in the duel, the way would have been to have brought him to trial at the time, and not keep it hanging over him *in terrorem* on every subsequent occasion. The fact was, however, that no charge of inhumanity could be brought against captain Foskett on that occasion, as he had uniformly evinced a disposition to conciliation. How, he would ask, was it possible for an officer to shape his conduct, if he was equally liable to dismissal for fighting or not fighting?—He then read several letters on the subject of the duel spoken of, which he thought went to exculpate him from any charges made against his character, as the handsome testimony borne by Wallace, the antagonist of the officer to whom capt. Foskett was second, established the propriety of his conduct in the most satisfactory manner. When so much was said by the hon. general on the enormity of pistols with hair triggers being used on that occasion, he did not know, as he should have thought the hon. officer must, that all duelling pistols had hair triggers. When, however, it was proved that the pistols used had not hair triggers, what became of that charge? As to the number of shots fired, he thought when gentlemen went out to fight, and not merely to produce a certain explosion, no blame could on that account attach itself to the seconds. On a view of all the circumstances, he thought capt. Foskett had conducted himself with becoming moderation, like a gentleman, and like a man of honour. He thought it most unjust and subversive of all equity, that charges should be made against a man, when a trial was denied. Nothing could justify thus holding an indefinite charge over a man's head. Having, as he hoped, satisfied the House of the honourable conduct of captain Foskett with respect to the duel, he would next come to the great charge, relating to the inefficiency of his troop. On this part of the subject he could have no more decisive evidence than that of captain Foskett's superior officers, which with permission he would read to the House. Here the hon. member read letters from col. Anson, majors Forrester, Leitch, and others, who had been field officers of the 15th Light Dragoons, bearing full and honourable testimony to captain Foskett's character as an officer. After such testimonials he should be anxious to see how the hon. general would endeavour to sustain the assertions of negligence and inefficiency which he had so profusely thrown out in a former debate. The letters which he had just read, he contended, were conclusive answers to the charges respecting the duel and inefficiency. They were not to be shaken by open calumny or unblushing assertions. These testimonials would live in the minds of all honourable men, when it would be fortunate for those who endeavoured to impeach them if their slanders should moulder into oblivion. Before he referred to the article of war, which he intended to make the basis of the motion he should have the honour to propose, it was necessary for him to state on what foundation it rested. He was aware that his Majesty had power to alter the articles of war, but so long as he abstained from doing it, they were to all intents and purposes the law of the army. They were confirmed by the annual mutiny act. They were binding on every person serving in the army from the highest to the lowest; for it was not to be presumed that there was to be one code of military discipline for the royal dukes, and another for the rest of the army.—The hon. member here read the 1st article of the 12th section of the articles of war, and contended that it was intended to afford redress against every species of military oppression, and was not restricted to pecuniary grievances. On this point the article was clear, was unequivocal, but coupled with and explained by other articles in the same code, it was decisive. It was the duty of the House to see that the military law was equally administered to all descriptions of persons to whom it applied. The right hon. the Chancellor of the Exchequer stated when the question was last before the House, that the article applied only to pecuniary grievances. Good God! were they to tell the British army that if the character of an officer was aspersed, if his humanity was impeached, if his knowledge of his profession was called in question, that he was to have no redress, but that if he was wronged of sixpence of his pay his complaints might reach the ear of the King! But the best proof that the article was not so understood was to be found in the answer of the commander in chief. That answer did not state that the article applied only to pecuniary concerns, but that he saw no grounds to forward capt. Foskett's memorial to his Majesty. But it was asked what use was there in going to the House of Commons, when capt. Foskett might have gone to his Majesty for redress. To this he would reply there was no access to the King on such subjects but through the office of the commander in chief. At law no redress could be had except against the sentence of a court martial. It was said that if this application was listened to, the House would be exposed to the inconvenience of officers flocking to it from all parts with petitions and lists of grievances. It might be so, and he should rejoice in the establishment of such a precedent. He wished to shew the officers of the British army, that in cases of oppression and persecution, not provided against by the articles of war, there was a tribunal to which they could appeal. If the motion he intended to propose was rejected, officers henceforth would have no means of making known their grievances to his Majesty. They might as well be told they had no rights, and that the articles of war, as far as they concerned them, were mere mockery. The motion he intended to conclude with would not tend to rob the King of a particle of his prerogative. He would simply propose a Resolution of censure on the commander in chief for not transmitting the memorial of captain Foskett to his Majesty, as he was bound by the articles of war to do, and he should then move an Address to his Majesty, acquainting him of the refusal of the commander in chief to transmit captain Foskett's memorial, and praying his Majesty to order an enquiry into all the circumstances of the case.

The Resolutions having been handed to the chair, the first, which recited the 1st article of the 12th section of the articles of war, having been read,

General *Craufurd* said, that having been so frequently alluded to by the honourable member, he felt it incumbent on him to take the earliest opportunity of offering himself to the House. His sentiments on this subject remained unaltered. Nothing he had read, nothing he had heard from the hon. member, produced the least change in them. The motion he considered as of the most dangerous tendency. It went to nothing less than to wrest the command of the army from the Crown. If the allegations in the petition of the table should be established against the commander in chief, and the duke of Cumberland, the one would be unfit to command the army, and the other the regiment of which he was colonel. The House was not aware of the mischief produced by the publication of these charges, and it was for the purpose of arresting it that he offered himself on a former occasion, as well as the present, to the House. When he took upon himself to answer the allegations in the petition, he did so from documents in his possession. He had a written statement of every tittle which he uttered on the subject in the House. He had also the authorities of the parties to that statement to give up their names if it should be required. He disclaimed, and he trusted the House would give credit to the assurance, being actuated by any feelings of a personal nature on the occasion; he acted only as the advocate of the parties who furnished him with the documents. When capt. Foskett's pamphlet appeared, he read it over with the greatest attention, and then went to the parties and desired them to consider whether some inaccuracy might not have crept into the statement they had authorised him to make, which they might wish to correct. So far from this being the case, they persisted in the accuracy of their first statement. One of these officers was colonel Grant, who, though not in the regiment at the time the duel took place, was perfectly acquainted with all its circumstances: another was lieutenant and adjutant Jones, who had been 14 years in the 15th dragoons, and desired that his name might be mentioned. To prove that hair triggers were used, contrary to what was stated in captain Foskett's pamphlet, this officer declared that lieutenant Wallace told him that it was in the act of setting a hair trigger that his pistol went off, and which discharge was reckoned as a shot. But granting all that was stated in the book, there was no material difference between his statement and that of the hon. member. He stated that the principals in the duel had advanced three paces, whereas it turned out they advanced but two. The hon. member had asked if persons who went out to fight a duel on gross provocation, were to withdraw or shake hands after a shot or two. He thought they should, and he had seen a great deal more of that business than the hon. member, though he was not half so bloody-minded. Had captain Foskett been brought to trial for his conduct respecting the duel, that court martial would be highly criminal which should not have sentenced him to be cashiered.—With respect to stopping the promotion in the regiment, his royal highness the duke of Cumberland admitted that he had recommended the second captain in the regiment for promotion, in preference to captain Foskett. This he had done from the opinion he had formed of captain Foskett's inefficiency; an opinion that was confirmed by the report of col. Seymour and adjutant Jones. The latter had positively described him as a negligent troop officer. Such also was the opinion of col. Grant, since he had got into the regiment. He maintained that the succession of the oldest captain to a vacant majority was not always a matter of course, for an officer might be competent to command a troop, and yet be inadequate to the duties of a field officer. Such was the predicament in which captain Foskett stood. All the documents in his possession clearly proved this. (A call of Read, read.) He was sorry he could not comply with the wishes of the gentlemen on the other side, for he had not the documents about him. He had left them at home, upon the conviction that he would not be allowed to read them; and indeed he was much surprised to see the House allow the hon. member to read letters and pamphlets as part of his speech.—There was another charge he also had to make against captain Foskett, and that was his being party to a breach of discipline, in conniving at the two officers withdrawing from arrest. The intended duel having been rumoured, adjutant Jones received orders from the colonel to put the principals under arrest. In proceeding to execute these orders he met captain Foskett, and asked him if he knew where either of them were to be found. The answer was, that he knew nothing of them, though at the very time he was under a promise to attend Mr. Ross to the field. This was an offence for which captain Foskett must have been broke if brought to a court-martial. With respect to refusal of leave of absence, it would appear from the returns, that there was not an officer in the regiment who had less occasion to complain on that score than captain Foskett. Indeed, in the conduct of the duke of Cumberland to that officer, he could see nothing but moderation and forbearance, and the very opposite to injustice.—He contended that the article of war, which had been alluded to, was not imperative upon the commander in chief, and if it were, that it was not so in the case under consideration. The three grievances which had been complained of, had been redressed. The commander in chief had shewn himself to be a friend and not an oppressor to captain Foskett. He contended that it was not for the House to usurp the command and management of the army from the crown. He was ready to admit that all good officers ought to be encouraged: and he could assure the House that every officer who had ever served under him, had looked to him as well as a father as a commander. He had always been of opinion, that in the regiments where the least punishment was inflicted, the best discipline prevailed; and much credit was due to an order of the late commander in chief on that subject. No man living could be a more strenuous advocate than himself for proper discipline; but nothing, not even the fear of dying on the wheel, should oblige him to assent to improper means of establishing it. He should move the previous question on the first resolution, and should give a direct negative to the others.

Mr. *Whitbread,* feeling that captain Foskett was a victim to injustice, not only in the matter complained of, but also from the statements of the gallant officer who had just sat down, begged to say a few words upon the question. When the gallant general entered into the question with a view to the defence of the duke of Cumberland, he appeared to go into the charges before he was in possession of the facts. The hon. general had said that he should abstain from recrimination, but yet indulged in a strong course of crimination against captain Foskett, whom he represented as the public accuser of the duke of Cumberland. Captain Foskett, however, so far from being in this instance the accuser of the duke of Cumberland, had applied in the first instance through the regular channels for redress. He was sorry the hon. general, before he made these charges against the gallant officer, had not made himself acquainted with the circumstances of the case, because when he should peruse the documents he would be convinced of his error. For himself, he had the originals of many of the documents which had been produced, and on them he founded his opinion. Sir Robert Wilson wrote respecting the merits of captain Foskett in the highest terms. Colonels Lamb and Asken appeared in their letters to bear equal testimony to the character and military merit of captain Foskett. As sir R. Wilson had quitted the regiment before the duke of Cumberland was appointed to the command, he concluded that if the hon. general had found any trace of irregularity, or want of discipline, in that previous period, he would have brought it before Parliament. He contended that the conduct of captain Foskett was unexceptionable, and that the testimony of col. Asken was sufficient to establish that fact. But it had been said, that the article of war was imperative on the commander in chief; still his hon. friend required only that the commander in chief should do his duty. The commander in chief might undoubtedly say, that the application was frivolous. But if gentlemen would take the trouble of reading the act they would find that the commander in chief had no option. The petition did not profess to take out of the hands of the King the power of regulating such matters, but to have the avenue to the throne open to all his Majesty's subjects. His hon. friend had dwelt at length, and perhaps longer than was necessary, on the circumstances of the duel, and quoted the communications of Mr. Wallace, Mr. Nixon, and Mr. Ross, all of which were in favour of captain Foskett, to shew that he had been blameless in that transaction.—But whatever might have been the circumstances or the issue of the duel, they could have been no justification of the conduct of the duke of Cumberland. He should be glad to know when the adjutant asked captain Foskett the private friend of Mr. Ross, if he knew of the intended duel, whether any private gentleman, applied to under similar circumstances, would have thought himself justified in divulging what had been communicated to him in confidence? But as no proceeding had been taken at the time, either in a military view, or by the course of law against captain Foskett, or by his col. (Seymour), it was clear no proceeding ought to be sanctioned not consonant to law. He contended that no hair triggers had been used. The hon. gentleman then went into a statement to shew that captain Foskett's troop was fit for service when his regiment had been ordered abroad. In order to prove too that this was a case fit for the interference of the House, he referred to the cases of colonel Cochrane Johnstone, and of lord Burghurst in the last session. The present was not altogether a military question: it did not claim redress of a wrong as to the army, but as to the commander in chief; and if that House should not grant the redress desired, it would by its decision that night sanction a principle which would be extremely injurious to the public service.

Mr. *Manning* supported the motion and read a letter stating the exemplary conduct of captain Foskett.

Mr. *Manners Sutton* regretted that the hon. gent. had thought proper to go into the contents of papers which the House had refused to grant, as not necessary. He thought that the whole of this proceeding was an unwarrantable attack upon the duke of Cumberland. When upon a former night this question was under consideration, he had abstained from entering into the consideration of the contents of these papers, not because he was not aware of their existence, but because it was not for him to avail himself of their contents in point of argument. The hon. gent. then took a review of the circumstances of the case, and concluded by saying, that he should vote against the motion.

General *Loftus* thought the House might as well abolish the office of commander in chief altogether, as enter into the grievances which every individual officer had to bring forward. There would be no end to such petitions. He regretted that the duel had been mentioned on this affair, but he thought that the duke of Cumberland was perfectly justified in the recommendation he had given.

The gallery was then cleared for a division, but the House did not divide. The motion was then negatived.

[Seamen's Bill.] Mr. *Rose*, pursuant to notice, rose to move for leave to bring in a bill for the increase of seamen. His object was to encourage the increase of merchant seamen. He was aware of the difficulties and jealousies to be encountered in any interference with the impress service; but if ever there was a time when that interference might be more safely admitted, it was the present. His plan was for the establishment of naval seminaries on the coasts, where boys might have a due initiation into the profession of a seaman, for four or five years. The source from whence boys should be drawn, he proposed to be that of the parish paupers. Of these there were about 90,000, and their expence would not cost government more than 5*l.* each. This supply would keep up a succession of seamen to the amount of seven thousand every year. He stated, that owing to the severe operation of the impress service, in some instances, the commanders of Indiamen have been obliged to go out without having a regular bred seaman on board: This might have been the cause of the loss of so many ships in that service. A captain had gone out some years ago with his crew similarly circumstanced; after, however, he had made them all seamen, they were all taken from him. He then concluded by moving that leave be given to bring in a bill to increase the number of persons bred to the sea service.

Mr. *W. Smith* approved of the professed object of the right hon. gent.'s motion; he stated that the rigour of the impress service in the Greenland fishery trade had been felt so severely in the Orkneys and the isle of Shetland, as to produce there a general disgust for the service. He recommended some species of commutation by which the merchantmen would bind themselves to the regular supply of a certain proportion of seamen.

Mr. *Wilberforce* was friendly to any plan that was likely to multiply the connection between the navy and the country.

Lord *Cochrane* stated as the cause of the severe impress service in the East Indies, the immoderate length of time those ships were suffered to remain upon the same station, until the greater part of the crews had died off.

The motion was then agreed to.

HOUSE OF LORDS.

Friday, June 8.

[DEBTOR AND CREDITOR LAWS.] Lord *Redesdale* rose to move the second reading of his bill to prevent vexatious arrests. Though it was late in the session, he wished the bill to go into the committee.

Lord *Ellenborough,* while he approved of the object of the bill, yet entertained serious objections to it in its present shape: and strongly objected to the proposed plan for sending cases of insolvency before the courts, which had already so much important and necessary business on their hands, as to render it utterly impossible for himself and the rest of the judges to pay attention to this new task. The bill, he considered, as crude and perfectly impracticable, in such a view of its operation. He therefore urged the propriety of withdrawing it for the present, and giving time to re-consider the subject before next session. He had heard nothing of it till a few days ago he found four copies of it in the judges chambers. He objected to any hasty proceeding on a bill so impossible to carry into effect; and he should feel it his duty to divide the House on the question if it were pressed. At present, it would merely be going into a committee of inventions, where they might speculate on new systems; but he, who must become the drudge in the execution of them, could not give his assent to such a proceeding.

The Earl of *Moira* spoke in favour of going into the committee.

The *Lord Chancellor* complimented the great legal learning of the noble and learned mover; but considering the lateness of the session, recommended the postponement of any farther proceedings till next session.

Earl *Stanhope* maintained the propriety of committing the bill, when any alteration that was necessary might be made in it. His lordship did not perceive the great difficulty of adopting the principle of the *cessio bonorum* into the English law. The learned lords might, in a committee, compare all their different opinions, and decide on which was best. He liked to see the noble and learned lawyers trim one another, and it saved him the trouble of trimming them all (a laugh).

Lord *Melville* remarked on the difficulty noble lords now seemed to discover in altering old laws and forms. He was a friend to the bill, which was founded on a principle which had been happily and conveniently in practice, to the north of the Tweed, for these 150 years.

Lord *Erskine* applauded the motives and object of the framer and friends of the bill: but reminded the House, that at this advanced period of the session, they could not expect in the committee the assistance of his noble and learned friend, (Lord Ellenborough) whose other necessary avocations would preclude his attendance; and with whom he entirely coincided as to the impropriety of imposing so impossible a task upon the judges, who are already overburthened with work. He remembered being admitted a member of the royal society, on which occasion a long and learned lecture was read on the subject of a particular fish; and it was gravely shewn, that if that fish had been possessed of another fin in a particular place, it would have been enabled to swim with a far greater degree of velocity, (laughter.) He who made the fish, knew best what was most necessary for its purposes. So, in this case, unless they gave the judges a new fin, some greater powers than nature had bestowed upon man, they never could fulfil the intentions of this bill.

The Earl of *Suffolk* defended the principle of the bill; and noticed, with much regret, the great delays and expenses that occurred in almost all our law proceedings. There were 300 cases before that House in arrear; and in one case only, that of the Roxburgh peerage, an expense, he understood, had been already incurred, of 50,000*l.*

The *Lord Chancellor* said, that such expense was not imputable to him, who sat on that woolsack for two or three hours day after day, without being able to get the attendance of noble lords sufficient to make a House and proceed on any business. That expense, therefore, was more imputable to the noble earl and others, who declined their assistance.

The Earl of *Rosslyn* spoke in favour of the bill.

The Duke of *Norfolk* commended the bill, and suggested the propriety of relieving the office of the lord high chancellor from some of the laborious duties attached to it.

Lord *Holland* used various arguments for going into the committee, and coming to some understanding respecting the modes of carrying it into practice. As for the story of the fish, he did not think it quite applicable: but agreed with his noble and learned friend on the divine origin of the fish! (a laugh!) He who made him certainly knew best what was fit for him!

Lord *Ellenborough* rose again, and explained what he had before stated. The bill was nothing without its machinery, and the machinery proposed was absolutely and totally impracticable. As for the observations on the story of the fish, his lordship said that if there was any contrivance for giving the judges more than mortal powers—if, for instance, they would vote them new legs and new arms, he should be glad they would discover how, and where, they were to be put on. (a laugh!) If he consulted his interest merely, he should be in favour of the measure; but, he begged their lordships not to attempt to make up for delay in this important question, by useless and dangerous haste.

Earl *Stanhope* said, that no noble lord need take up the observations of the noble earl (Suffolk) very seriously, as his object was to shew the propriety of relieving judges from too great labour. "I shall just make a remark upon my noble and learned friend's anecdote of the lecture at the royal society about the fish! The learned lawyers, if they like it, may try to quiz us philosophers about fins and gills, as long as they please: but when we philosophers come among the courts of law, why, we quiz the lawyers, quite as much as those learned lawyers can ever quiz us philosophers!" (laughter!)

Lord *Redesdale* supported the second reading, on the principle of the bill, and the going into the committee, for the very purpose of adapting the necessary machinery for its operation. The great difficulties he had found in adapting a new principle to our practice, was the cause why he had not produced the bill at an earlier period. He maintained briefly the good policy of the measure.

Lord *Ellenborough* declined dividing the House. The bill was then read a second time.

[Campaign in Spain.] The Marquis of *Lansdown*, in pursuance of the notice he had given, rose to call their lordships attention to the papers relative to the affairs of Spain, the papers concerning which had so long laid upon the table. He felt that if any apology was necessary, it was for the frequent delays that had unavoidably taken place; but he could assure their lordships that the postponement had arisen from causes, over which he had no controul. He was now happy to see that these delays had at least the good effect of procuring the presence of a noble marquis, (the marquis Wellesley) who was so materially interested in the discussion; and on the other hand he felt considerable regret that another noble lord, (Lord Grenville) whose prophetic sentiments on the subject had been so calamitously realized, was still detained from them by indisposition. At setting out he should first beg to recal their lordships attention to the first calamitous campaign in Spain, and to that campaign in Portugal, which ended in the disgraceful and lamentable convention of Cintra. He begged to remind them that the same ministers under whose jumble of generals that convention was made, the same ministers under whose auspices the gallant sir John Moore and his army were sacrificed, still remained entrusted with the direction of the military resources and affairs of this country. These ministers, in commencing the second campaign, had the advantage of the experience afforded by the first. They could no longer entertain false views of the policy to be adopted in the Spanish cause. They could no longer look for co-operation, for an efficient government, or for the means of supply in that country, for they had already, by sad experience, become acquainted with the fallacy of all these hopes. On the scene of Spain itself, they had rehearsed all the principles they had held on the mode in which a war of co-operation with Spain should be conducted, and dreadful and bloody had that rehearsal been. Blind as these directors of his Majesty's councils might be, as to the causes of the calamities in Spain, they could not be so ignorant of what had passed, as not to be aware that no effectual co-operation was to be expected in case of our trying another expedition to that country. That they were informed of this, appeared from the letter of Mr. Secretary Canning to Mr. Frere, (page 7 of that correspondence) which stated that we had shed our best blood in their cause, unassisted by the Spanish government, or even by the good will of the country through which our army past. It was therefore clear, that ministers knew they were in error to look for aid in the auxiliary forces of Spain. His Majesty's ministers had, however, refused to profit by the experience which, so fatally for the country, had thus been gained, and had embarked another army in the same cause, acting precisely upon the same principles which had before led to failure, and which all the information they had received from their own agents, should have induced them to believe must again lead to a similar failure. Before taking up the main point, the advance of sir Arthur Wellesley, his lordship adverted to the mission of sir George Smith to Cadiz, who appeared, most singularly, to have been sent there without any communication of the object of his mission to Mr. Frere, our minister in Spain, who thus remaining in ignorance upon the subject, counteracted the object of sir George Smith's mission, and the greatest confusion ensued. This gentleman was dispatched from England on the 28th of December, entrusted with a most important mission, relative to the occupation of Cadiz. At this period Mr. Frere was the British minister with the Supreme Junta, at Seville; and from the 10th December to the 20th of January, as it appeared from the papers, no fewer than five dispatches were sent to him, in not one of which was any mention made of the important mission and instructions of sir George Smith. Whether Mr. Canning was ignorant of sir George Smith's mission, or whether his silence on that subject proceeded from the most culpable negligence, remained yet with the noble lords opposite to explain. But this one thing was evident, that the mission of sir George Smith being altogether unknown to Mr. Frere, was productive of the utmost disorder and confusion. In proof of this he had only to read a passage from Mr. Frere's dispatch, which stated, that "the mission of sir George Smith, and his having ordered troops to proceed from Lisbon to Cadiz, without appealing to him (Mr. Frere), had given rise to a strong suspicion, that something sinister was intended by the British government, in consequence of which the utmost confusion prevailed." These troops thus sent round from Lisbon to Cadiz, remained there on board their ships, and answered no other purpose but that of creating dissension in Cadiz, and a suspicion of the British. Such a measure could not have been contrived, but by the same men who the year before sent an army under General Baird to Corunna, without having previously ensured their permission to land, either from the local or Central Junta. He did not, however, call their lordships attention to this matter so much as connected with his present purpose, as to shew the total want of concert and prudence in the conduct of ministers. He now came to the more material parts of the correspondence, from which it would be seen that a few months after the period of which he had been speaking, sir Arthur Wellesley was dispatched to Portugal. In page 1 would be found his first instructions with regard to Spain at that moment, exhibited in a most interesting point of view. For after the retreat of sir John Moore, the Spaniards had resorted to that species of warfare, which experience had shewn to be the only way in which they could hope for success, and from which he sincerely regretted they had ever been tempted to depart. They had adopted the defensive system, which had always been attended with incalculable advantage, as was strongly shewn from the intercepted correspondence of Soult to King Joseph, in which he stated, that in general actions, he was invariably successful, but that the war carried on by the peasantry was so destructive, that no army could resist it. It was, however, at the very moment when this system was so successfully pursued—when experience had proved that all hopes of co-operation were vain, and the most melancholy experience had shewn its insufficiency—it was at this very moment that sir A. Wellesley was sent to Portugal. What then were his first instructions? —"to relieve Portugal from the presence of a French army, and then to co-operate with the Spanish armies for the common cause." Yet it soon occurred to ministers that they had not obtained from the Spanish government any of these securities for supplies, &c. which they had declared to be necessary before assisting them with another British army; and they accordingly, on the 2d of April, drew up a second set of instructions for their general, which completely did away the effect of the first. By these, he was directed not to enter upon a campaign in Spain, without express instructions to that effect from ministers. Then came the third instructions, on the 25th May, which, if the second did away the first, equally did away both. Here Sir A. Wellesley was directed, after driving the French from Portugal, not to go beyond the frontier provinces of Spain, unless he found an advance consistent with the safety of Portugal. He trusted that ministers would not ground their defence of the failure of the Expedition into Spain, on this discretionary power entrusted to their general. They could not be justified in throwing the responsibility off their own shoulders upon those of Sir Arthur Wellesley, for they alone were in possession of the information as to the state of Spain, in every respect, on which the policy or danger of the measure could be decided. The discretion given was merely military; and, considering the ardent spirit and gallantry of the noble general, tantamount to a command to march into Spain. And yet these orders were transmitted when ministers well knew that no precautions had been taken to insure supplies to the army from the government of Spain. In the end of April, Sir Arthur Wellesley arrived in Portugal; and, on the 12th day of May, drove the French from Portugal, and continued the pursuit to the 18th, when he found it necessary to abandon it. On this part of the subject he had no observations wherewith to trouble their lordships. The country had paid their tribute of applause to the gallant general who conducted the enterprise; and though he had heard some censure bestowed on the mode of pursuit adopted with regard to Soult, yet knowing the vigour and ardour which distinguished the actions of the noble officer, he must give him credit for having done all that was possible in an affair where these qualities were so necessary. His motive for abandoning the pursuit, as stated in his first dispatch, was the necessity of proceeding to the south, to co-operate with the Spanish army under Cuesta, to whom he had promised that assistance. From this he had a right to assume, that ministers were resolved, from the beginning, to continue the contest in Spain, with the army, as it stood under Sir A. Wellesley. Ministers tell him to exercise his discretion with respect to co-operating with the Spanish army, while they afford him no information with regard to the character of that army, or the resources of the country they allow him to enter; thus shifting on his discretion the responsibility for failures to which they themselves should alone be liable; after the sorrowful experience of a year and a half, they seem to be wholly ignorant of the resources of Spain, and of the character of generals who command her armies. They scatter and divide the British force, and never employ a competent force to accomplish the object for which it is intended. They would fain deliver Spain from the subjugation of France; and yet in a cause so closely connected in every respect with the vital interests of this country, they send out a force wholly inadequate to that important end. Now they must either have believed that Spain afforded the means of supply, which would enable an allied army to act for its deliverance, or they must have known, that neither supplies, provisions, or co-operation, in that country, were to be depended upon. If they entertained the former opinion, then, instead of the army they did employ, with such a cause as that of Spain to fight in, the whole disposable army of England ought to have been employed in the service. Our interests and our feelings were alike interested in the struggle, which was not for Spain alone: which was not for England only; but which was for the liberties of Europe, and the fate of the world. Instead then of sending the limited army of Sir Arthur Wellesley, they ought, from the great resources of the country at their disposal, to have sent a force sufficient at once to have driven Soult from the North of Portugal; to have kept him, and Marshal Ney, in check; and to have co-operated with Cuesta, against Victor, who with his army, was, at that time, reduced to the utmost distress. But here the usual policy of ministers appeared. Their flaming zeal to do every thing at once was conspicuous. Spain was not a wide enough field for them, but they must, at the same moment, grasp at basins, ships, islands, and kingdoms. To restore a kingdom—to destroy a basin—to seize an island—to capture shipping all together, they dissipated their force in every quarter, and they failed in every object. Besides the army in Spain, they must have another perishing, ingloriously, in the Scheldt, and a third on an island, in the Bay of Naples, to the great delight of the King of Naples, who could see them thus so uselessly diverted from important services. Unlike the conqueror of the continent, who had gained every thing by concentrating his forces, and directing them to one object at a time; our ministers in their vigour would prosecute every object at the same time, and the event had shewn the wisdom of their policy! But there was little ground to suppose that even the opinions entertained by ministers themselves would justify this course, and by the way he must observe that Cuesta did not consider the expulsion of Soult from Portugal, as the best mode of commencing the co-operation with Spain. However, on the 18th of May, Sir A. Wellesley marched to assist Cuesta; and Soult, crossing the mountains, occupied Orenze, and by getting possession of the depots there, was enabled to continue the campaign.—At that time Carrera was at Vigo, at the head of 18,000; totally unengaged and inactive, as Ney had marched into Gallicia: and this was another proof that no co-operation was to be hoped for in Spain; as Carrera might have marched on St. Olalla and prevented this event. But to return to the co-operation in the South: Their lordships would hear with surprise, that instead of advancing to Placentia, by the shortest route, in order to cut off the retreat of Victor, as was afterwards stated by him to be his design, Sir A. Wellesley was obliged, for want of supplies, to march ninety-seven leagues, rather than sixty-seven. This was owing to his being obliged to take the route nearest the coast, as, if he had taken the interior route, his supplies could not have reached him. Even as it was, instead of accomplishing the ninety-seven leagues in eighteen days, which was the moderate calculation, it was seven weeks before the army arrived at Placentia, and during this period Victor had retreated, and, being joined by reinforcements from the armies of King Joseph, and Sebastiani, was enabled to return into the field with that army with which he afterwards disputed the battle of Talavera. Thus, when a rapid march was so necessary, it appeared that our army, from the want of supplies, was compelled to march thirty leagues round, and not only so, but the papers shewed that even marching as near their supplies on the coast as they could, they were stopped at Coimbra and Abrantes for the want of shoes and of money to pay the men. In the two letters from Sir A. Wellesley to general Cuesta, these were the reasons assigned for not joining him earlier, although the Spanish general was at that time maintaining an unequal conflict with Victor, whose force was gaining strength every day. After all this, between the 10th and 16th of July, Sir A. Wellesley reached the point of co-operation, and it was commenced under the worst of auspices. Cuesta could not be induced to enter into the plans which the English general thought most advantageous; and he was, therefore, obliged to adopt the measures of the Spaniards. What they were, appeared from the result, though the general plan was not so distinctly detailed, as to have more of it understood, than that it was a combined system of co-operation with the armies of Cuesta and Venegas. In the former year, they had the testimony of Sir John Moore, Colonel Whittingham, and Colonel Symes, that the Spanish armies ought to be better disciplined, and the government more efficient, before co-operation was possible. Now if their lordship would look at the papers, they would see in what state affairs were when the system of co-operation was renewed.—The first thing they had to look at was the supplies, which were so essential to the operations of a British army on foreign service. And here they had the testimony of the principal person concerned, sir A. Wellesley—(page 13th of his correspondence)—that no speedy improvement in the mode of furnishing the supplies was to be expected; that the impracticability of obtaining them was owing to the want of authority in the government; the state of the country; the timidity of magistrates, and the indolence of the people. The next matter worthy of their lordships' attention, was the character of the officer at the head of the Spanish army with which we were to cooperate, general Cuesta. On that point, he had the testimony of Mr. Frere, and of marquis Wellesley. Mr. Frere, in page 50 of his correspondence, stated, that there was a suspicion that general Cuesta meditated a serious plan of revenge against the Junta, for some affront he had sustained from them about half a year before; which plan he would now be more able to execute, as the army under general Blake had been dispersed.—He also stated that Venegas was utterly incapable of any command. Again the noble marquis opposite, in page 15 of his correspondence, said, that Cuesta was deficient in every quality for a general, except in personal courage, and that the impracticability of his temper rendered it impossible to cooperate with him. The third subject deserving of consideration, was the state of the Spanish government. And here their lordships would find the prospect as discouraging as the preceding two. Mr. Frere (page 22) feared that the military Junta would, from their incapacity, defeat the whole of the combined operations: and the description of the Spanish government, given by the noble marquis (page 120), was still worse. He characterised it as wanting energy and strength; and, from its incapability, not supported by popular opinion. It was (he said) an anomaly of all governments, without possessing the good qualities or advantages of any one. From these facts, supported by the papers on the table, it appeared that sir A. Wellesley and his army were sent to co-operate with a general unfit to command, and suspected of meditating a serious plan of revenge against his government, and to depend on a government, which was the worst that existed, for their necessary supplies. It was under such circumstances and after all the experience they had had, that ministers resolved to submit a British army to the risk of destruction, and to those calamities and disasters which they did actually endure. The result was what they might have expected, and what ministers might have known from the information they possessed before sending out the Expedition. Mr. Frere had furnished them with abundant circumstances on which to form a judgment, though he had never come to right conclusions on his own facts. Uninstructed, however, by these dispatches, and unimproved by the fatal example of the preceding year, they had pursued the same policy which had led them into so many other disastrous expeditions. As a noble lord at the head of the admiralty had told a gallant naval officer, who was stating the difficulties of an enterprise to him, "Go and try;" so had government on this occasion, overlooking all the dangers and difficulties he had enumerated, the risk of the British army, and the honour of the nation, told sir A. Wellesley to go and try. But though ministers could overlook the character of the Spanish general, the inefficacy of the Spanish government, and the precariousness of supplies, sir A. Wellesley, in three days after he joined Cuesta, began to experience every want, as might have been anticipated. Deficient in supplies, he advanced to Talavera, where he was obliged, even for the safety of his army, to depend on the fidelity and discipline of Venegas, and his army, as well as Cuesta, and in both he was disappointed. Venegas did not, as was projected, advance from la Mancha and the mountainous district, and the passes of the Puerto de Banos, which covered the flank of our army, were not defended as had been agreed upon by the Spanish general, but were let fall without resistance into the possession of marshal Soult. The battle of Talavera was fought on the 28th and 29th of July, and whatever he might think of the policy that led to it, he should ever contemplate it as a proud monument of glory to the general who commanded, and to the army who won that glorious and ever memorable day. The battle of Talavera, was, however in itself one of the strongest proofs of the impossibility of co-operation with a Spanish army. But what were the consequences of the battle? They were those of defeat rather than of victory, from the causes he had already stated. Our army had no intelligence, or means of procuring it; and two days after the battte of Talavera, they did not know whether the enemy was in their neighbourhood or not. What might have been foreseen, happened. Soult marched down the mountainous district, possessed himself of the feebly-defended passes of the Puerto de Banos, and threatened to cut off the retreat of the British army after its victory. But the letter of sir A. Wellesley, of the 1st of August, more forcibly described his situation, than any words he could use. This letter too was received by ministers at the same time with the dispatches containing the account of the battle of Talavera; though they, for some reason best known to themselves, took care to withhold it from the public. Here the noble marquis minutely detailed the measures pursued for securing the passes, which were quite inadequate to their importance, and the more so, as it was known to Mr. Frere and the Spanish government, from an intercepted letter of Soult's, what were his designs, and it was also known, at the head-quarters of Cuesta's army, on the first or second week of July, that, in pursuance of those designs, he had reached Zamora, on the 25th June, at the head of 18,000. By this failure of co-operation on the part of the Spaniards sir A. Wellesley was obliged to relinquish the field of Talavera, and to leave his wounded under the protection of Cuesta. Sir A. Wellesley had afterwards expressed his surprise at Cuesta's retreat; but how could he expect any other conduct from that army, which he himself described, (p. 99) as having misbehaved, in the presence of the enemy, at Talavera, and thrown away their arms, frightened at the sound of their own fire, when none of their adversaries were opposed to them or near them? Surely these troops were not to be depended on, and how could he complain of them for having abandoned his sick? It was a painful part of his duty to dwell on the misconduct of the Spanish troops, with the feelings he entertained on the subject. But these things were no reflections on the Spanish national character, but on the false system which had been adopted of forming the people into regular armies, which they could not immediately be fit for, having for a length of time ceased to be a military people. In other cases they had displayed acts of the most splendid heroism ever recorded. It was Spanish valour which had converted the walls of Saragossa and Gerona into fortifications almost impregnable; but it was not this partial energy and animation that would enable them as armies, to meet the greatest military force in Europe commanded by the most skilful generals. It was not possible to expect this from a people merely disposed to be free, but not having before enjoyed that freedom which would fit them for such a struggle. It was owing, not to the misconduct of the Spanish nation, but of those who could suppose that a junta of persons put together in any manner, composed a government, and that a crowd of men collected in any way was a regular army, calculated to meet the phalanx of regulars poured upon them by France. He was ready still to confide in the Spanish people, and to believe much might yet be done by their efforts. A spirit yet prevailed among them, which would make the possession of their country very inconvenient to their oppressors, and at best nothing more than a military possession extending only as far as their armies covered. He would not dwell on the serious calamities which had marked the two months posterior to the battle of Talavera. The army had sustained every species of misfortune; they had been in want of bread and necessaries of every description, and finally they were encamped in a most unwholesome situation, where thousands who had survived the battle and fatigues were swept away by sickness. Nine thousand men were unfit for duty in November, and the only difference which took place in the months of December and January was the reduction of that number to 8,000!—The noble marquis now turned to the mission of marquis Wellesley to Spain, and his concurrent account (page 90) of the nature, incapability, and base corruption of the Spanish government. He also animadverted, in severe terms, on the useless situation in which our minister (Mr. Frere) was placed; who, from having his recall known, and waiting in daily expectation of the arrival of his successor, during all the time the operations in Spain were in progress, had not the ability to exercise the functions of minister with effect, or influence the sending of supplies to the army. He must acknowledge, that when marquis Wellesley did arrive, he took a correct view of the state of affairs, and acted most properly in the remonstrances he made to the government. But what was the reply of the noble lords opposite, when they, on his side, long before recommended the sending of such a person to the government of Spain? They were taunted on their proposition, which was rejected, and they were asked, "Would you send a lecturer on political economy to another nation, and force instructions on an independent government?" Yet, after all, the same plan had been adopted, and no less a person than the noble marquis opposite had undertaken this lectureship. But at what time was this? It was after the second British army had been risked on Spanish ground, and compelled to retreat, and abandon the contest, in a state of unequalled calamity—unequalled in all their other enterprizes, whether in Portugal, in Spain or in Walcheren. The British army was retreating to the frontiers, and however great the exertions made by the noble marquis, they were all unavailing, as at that period no good was practicable. His last dispatch within a fortnight after this gave his opinion explicitly, that no British army, however numerous, could be usefully employed in Spain, while that country was in its existing state.—Upon the whole, the conclusion to which they must come was, that no success could be expected in Spain, under such a government, or with an army so constituted, and so commanded; or in a campaign where it was known supplies could not be procured to enable the army to act. Ministers must have known that no change had taken place since the preceding year, to warrant them in risking the fate of another army on the same ground which had proved so calamitous to the gallant sir John Moore and his army; and without providing or looking to the future, or being warned by the horrors of the past, they had plunged headlong into the same danger, and experienced still greater misfortunes. The brave Moore and his companions in glory might have solaced their dying moments with the consolation, that, though they fell sacrifices to the rashness and incapacity of ministers, their unhappy fate would be so awful a warning, and inculcate so useful a lesson, that no future British general or soldier should be sent to perish in so unwise an attempt, founded on a trust in Spanish co-operation. But, alas! even in the very next year after they died, ministers, as precipitate and rash as before, again would try the same experiment. With them, dream after dream ensued, and every dream ended in bitter disappointment, till the world rang with the vain sound. Let their lordships look at the papers, and the defeats that had been experienced, and they would be able to see whether the millions they had voted had been wisely or properly expended. He did cherish the hope, and would cherish it to the last, that if ever Europe was saved, this country would be an important agent in that great event. But it could never be accomplished by rash expeditions like these, without consulting the means of our allies; and destroying our own force, by dividing it on different hazards. The desirable object was only to be achieved by a prudent use of the resources with which providence had blessed us. Such was not the use made by his Majesty's present counsellors, and it was important that their lordships should be convinced of this, from the insufficiency of what they had already attempted. The more so, indeed, as they were in some measure parties in these calamities, by passing over, without notice, the errors of the former campaign. On these grounds, he would conclude by moving two Resolutions. They were to the following effect:

1. "That it appears to this House, after the most attentive examination of the papers laid before them, relative to the late campaign in Spain, that the safety of the army was improvidently and uselessly risked, and every loss and calamity suffered, without ground on which to expect any good result, and that the whole did end in the retreat of the army.

2d. "That, previous to entering on this campaign, ministers did not procure the necessary information of the state of Spain, or of its military resources—of the supplies that could be afforded, &c. as the most obvious policy required; and that the result of this rashness and ignorance was a result the most calamitous."

The Marquis *Wellesley* spoke in reply, and said, that the sentiment which formed the conclusion of the able and eloquent speech of the noble marquis who opened the great question then under discussion, might justly constitute not only the commencement of his (marquis Wellesley's) address to their lordships, but the main foundation of the whole argument which it was his duty to submit to their consideration.—The noble marquis (Lansdowne) had justly stated, that if ever Europe was to be rescued from the degradation and oppression, into which she had unhappily fallen, England must be principal agent in the accomplishment of that great work; the noble marquis might have added, that the fairest opportunity, the brightest prospect which had offered itself for several years of reasserting the independance of Europe, and with it the security of this country, opened at the moment when Spain magnanimously rose to maintain her legitimate monarchy, and to resist the most unprincipled usurpation of which history affords an example. In this statement he perfectly acquiesced, and he should therefore make it the chief ground of the arguments with which he should trouble their lordships on the present occasion.

The noble marquis (Lansdowne) had emphatically dwelt on the misfortunes and disasters which attended the first campaign in Spain under general Moore, and thence had argued, that the sad experience with which they had furnished ministers, should have warned them against the perils of such enterprises, and deterred the British government from any new attempt to cooperate with the Spanish armies. No man, lord W. said, could more deeply deplore than he did, the calamities and disasters of that campaign.—No man could more sincerely lament than he did, the melancholy fate of the distinguished general who commanded the British army, or the loss of the many brave men who perished in that arduous service.—But while he was ready to admit that the result of that campaign was in some respects calculated to cast a gloom over the fresh glory which the battle of Corunna, which the patience, the discipline, the steadiness, and the intrepidity of the British troops so largely shed under such trying circumstances on the character of the British arms, he must at the same time contend, that the result of that campaign would have proved far more unfortunate had it induced the British government to consider the cause of Spain as desperate:—to believe that the book was for ever closed against it; and consequently that they must desist from affording any further assistance to that generous nation in her exertions against the common enemy.—Would not such a result have betrayed every noble principle, every generous sentiment which is known to have prompted our wishes and our aid in favour of that gallant people? Would it not have disappointed the fair hopes of Spain, and the general expectations of Europe. Above all would it not have proved highly injurious to the best interests, if not fatal perhaps, to the future security of these realms?—Yet such, he understood, was the conduct which on that occasion the noble marquis would have wished this country to have pursued, admonished by the result of that first campaign.—Would the noble marquis then have had us unconcernedly look on, and tamely allow France to take possession of all the naval and commercial resources of Spain? Could even the firmness of his mind behold without alarm the whole of these maritime means pass into the hands of a man, the sworn enemy of this country, in whose grasp they must become so formidable not only to her prosperity, but even to her very existence? Such an opinion, if it be really that of the noble marquis, may doubtless denote great intrepidity; but it did not argue an equal degree of prudence.—For his part he saw matters in a very different point of view, and convinced therefore, he was not only of the propriety, but of the necessity, of renewing every effort to assist and encourage Spain, and to keep alive and foment the spirit of resistance, which she still continues to exert against her perfidious invader, a resistance by which alone we can hope to succeed in keeping out of the hands of France the naval and commercial resources of that country.—On these principles it was that his Majesty's government again endeavoured to assist the Spanish people in their noble struggle, and on these principles, he conceived, that such an endeavour was perfectly justified.

But before he proceeded more particularly to examine the grounds of objection which had been taken by the noble marquis, he must beg leave to lay before their lordships a sketch of the plan of British operations, which had been adopted in the peninsula. The first object of that plan was to expel the enemy from the north of Portugal; and the next, to proceed to the South and assist in the attack upon marshal Victor. A more extended plan of campaign was not then in contemplation, nor indeed, could such a plan be then safely acted upon. For true it is, that the Spaniards, from motives which it might be imprudent to discuss, and which it was impossible to controul, were averse to the admission of a British force into Cadiz, a condition, however, which was judged to be an indispensable preliminary to employing a British army in that part of Spain, and indeed, absolutely necessary, in case of retreat, to the safety of a British army so employed. It is also true that it was the wish of the Spanish government, that the British troops should have immediately proceeded against Victor, but lord Wellington deemed it to be more urgent, first to drive the enemy from the northern provinces of Portugal, provinces which abounded in resources of every kind, and which, therefore, should not be left at the disposal of the French. On this principle, and with this view, the enemy was expelled, not only from the north, but from the whole of Portugal. And will any man now pretend to say, that Portugal does not afford a most advantageous military position, a position which, if occasion should arise, would enable us to carry on operations on a larger scale, or always at least to aid more effectually the operations of the Spaniards? In fact it cannot be denied that the possession of Portugal, is not only necessary for the defence, but essential even to the safety of Spain.—This first point being then attained, permission was given, and wisely given in his opinion, to lord Wellington to extend his operations, beyond the frontier of Portugal, so far into Spain, as should not be incompatible in his judgment, with the defence and security of Portugal. Nor did lord Wellington exceed the limit of these instructions; nor in his conference with general Cuesta did he engage to do more than to put that general in possession of the course of the Tagus, and open his communication with La Mancha and with general Venegas. That engagement lord Wellington strictly fulfilled; and the performance of it might, no doubt, have laid the foundation of a more extended scale of operations. It was not, however, extended beyond a joint operation with general Cuesta, in attacking the corps under marshal Victor. Yet great blame has now been imputed to his Majesty's government, for having allowed him to extend it even so far; ministers, it was said, were well aware of the weak and inefficient state of the Spanish government; nor had they taken any pains to amend and strengthen it. From such a government, they consequently could not have expected, either vigour in council or energy in the field. They also knew of what materials the Spanish armies were composed, and the state of their organization and discipline; what degree of reliance should be placed on such troops in combined operations it was therefore by no means difficult to conjecture. Neither were they unacquainted with the temper and character of the Spanish general, with whom the British commander would have to concert his plans; and they could not therefore have fairly looked for harmony of measures, and cordiality of co-operation between these two chiefs. Notwithstanding however, all these obvious reasons to dissuade them from the attempt; they again endangered the safety of the British troops, by involving them in a co-operation with the Spanish armies. These objections, he (marquis Wellesley) was ready to meet severally, and he was confident that he should be able both to justify the British government, in sending out such instructions to lord Wellington, and lord Wellington in having acted upon them.

As to the first charge, that ministers had neglected to suggest and recommend improvements in the frame of the Spanish government, it would be found completely refuted by the papers on their lordships' table. From these it would appear that the utmost attention had been paid to this great object both by his Majesty's government, and by his Majesty's representatives in Spain. It was a leading consideration in the mind of his right hon. friend (Mr. Canning,) who then so ably filled the situation which he (Lord Wellesley) now unworthily occupied. Mr. Stuart and Mr. Frere were also indefatigable in their exertions to promote the same object. No occasion was omitted by them to press the propriety of amending and strengthening the frame of government, by concentrating the executive power into a more compact form, and by resting that power on the support of the collective wisdom of the nation, and a due representation of all the estates of the realm, knowing that a government would look in vain for vigour and effect, that was not animated by the spirit and put in motion by the energies of a free and loyal people; (cries of hear! hear!) nor was less care taken to inculcate the necessity of correcting the many abuses, which a long course of evil government had engendered; and of alleviating the exactions which weighed so heavily on every part of the Spanish dominions. Mr. Stuart anxiously applied himself to the attainment of these great objects, and applied himself to it in the true spirit of a Briton, paying homage to the form of his own government, and to the opinions of his countrymen in every advice which he offered for the improvement of the government of Spain.—But too much perhaps was at that time expected by those who were struck and dazzled by the splendour, the glory, the majesty of the Spanish cause.—With minds full of the feelings of the moment, and exalted by the grand scene then exhibited in Spain, they too eagerly hoped to see the government of that country suddenly assume the fairest form, and burst forth at once into the fullest perfection. It might however have been remembered that such is not the ordinary course of human affairs, nor the usual march of the human mind; that on the contrary, nations under such circumstances, are generally observed to move in a retrograde direction, until they again advance, and ultimately reach that point of perfection to which their ideas and their exertions had aspired. It was not therefore natural to expect that by any efforts of Mr. Stuart's or of the British government, any thing like a perfect form of government could in a moment be established in Spain. A very general disposition and desire prevailed at the same time in all ranks of society throughout Spain, to take a share in the new government.—That desire and disposition, under other circumstances, perhaps, no bad elements in the composition of a government, then gave rise to intrigues, jealousies and competitions, which operated as obstructions to the formation of a good one. Yet notwithstanding all these obstructions and counteractions, the exertions of Mr. Stuart were not altogether unsuccessful. Some concentration of powers was effected; some degree of union was brought about, and a shadow at least of an executive power was obtained. Mr. Frere on his arrival found the work begun, and thus far in its progress; and treading steadily in the footsteps of his predecessor, he exerted his best endeavours to promote its completion. But what after all, was a British minister to do? Was he to attempt changes, and insist upon alterations in the system of government which he found established? Could he have done more than offer his observations and advice, especially as the Junta had listened attentively to his suggestions, and had promised to take them into consideration. They had moreover as early as September 1808 communicated their intention of calling the Cortes, and in April 1809 they even announced their determination of surrendering their own power. This was no ordinary effort of the human mind; no slight indication of a genuine spirit of self-denial. Men invested with power are seldom very forward to resign it. They are as slow to discover their insufficiency for its exercise—(a cry of hear! hear! from the Opposition side of the House.)—A virtue of still slower growth is the resolution to reform themselves.—They seem to be of that sect of philosophers whose precept and practice it was to postpone their reformation till the morrow. But, was this reluctance and tardiness on the part of the Junta to improve the government of Spain, to be made a topic of censure against his Majesty's government? Were they to have proceeded, even if it had been in their power, to destroy the existing state of things in Spain, merely from a wish to see a more pure and perfect form of government substituted in its room? What other effect could such an attempt have produced, but that of planting jealousy and distrust in the heart of Spain?—As far, however, as circumstances allowed, and prudence permitted, every effort was employed for the improvement of the Spanish government, which it was possible to exert without having incurred the risk of discomposing the temper, and disturbing the harmony of the alliance.—But it has been objected, that, previously to the advance of lord Wellington into Spain, both the British commander, and the British government who had instructed him so to advance, were well aware of the inability of that part of Spain to furnish supplies, and of that of the Junta to command them; that it was therefore unwarrantable in the British government to instruct him to enter Spain, and imprudent on the part of lord Wellington to act upon such instructions. Now their lordships would recollect that the Junta was very differently constituted when lord Wellington advanced into Spain, from what it was when general Moore entered that country. He would not deny, but that doubts were expressed in the papers on the table of the general efficiency of the Spanish government; but at the period of time now alluded to, they had given particular instances of zeal, activity and energy, in procuring supplies of every kind for their own armies. In the disastrous battle of Medellin, the Spaniards had lost their artillery, baggage and magazines; yet in the short space of a month all these losses were repaired, and that army under gen. Cuesta was again completely provisioned and refitted. After so signal a proof that the Junta possessed the means and the power of supplying their own armies, was lord Wellington to withhold all co-operation with them on the mere ground of a suspicion, that they were unable or unwilling to supply the British troops? Besides, when lord Wellington approached Spain, the frame of the legislative and executive power in that country had been considerably improved. It was, therefore, right in him to think that the Junta were duly qualified to discharge the functions of government. But the noble marquis seemed also to insinuate that lord W. had taken no precautions to ensure the supply of his army. What precautions did he not take, which it depended upon him, to have taken? Did he not apply to Mr. Frere to inculcate on the Spanish government the necessity of furnishing provisions, and the means of transport for his army? Did he not himself directly and repeatedly represent to the Spanish government the urgent need in which he stood of the immediate furtherance of such supplies? In consequence of these applications were not orders instantly issued to furnish him with every thing which he had required? and was it for him to doubt the power of the Junta to enforce the execution of their own orders, especially after the previous proof what they had given of their ability to supply and refit their own armies?

The next point touched upon by the noble marquis, was the character of the Spanish armies, and that of the general with whom lord Wellington had more immediately to co-operate. Of the Spanish armies lord W. had no knowledge but what he derived from the general opinion that prevailed of them. The army immediately under the command of gen. Cuesta, had every appearance of discipline and efficiency. Would it then have been just or wise in lord W. to have formed a contrary opinion of them, before he could justify that opinion on the ground and result of his own experience? He knew something of the character of lord W., and he could safely say that he was not precipitate in forming his judgment, and that his opinions were generally the result of mature consideration. But was it not, the noble lord (Lansdowne) asked, highly imprudent in lord W. to entrust to Spanish troops, especially after what he himself had said of them, the defence of the important pass of the Puerto de Banos? To this question he would answer, that whatever might be the merits or demerits of the Spanish troops in other respects, it was admitted, and the fact had more than once justified the admission, that they were perfectly well qualified for the defence of strong posts, and of positions, in the mountains, such as that of Banos. In services of that nature they had already acquired very great credit, and on many such occasions they had eminently distinguished themselves. Was lord W. then to be the first to discover or suspect their unfitness for such employment?

He would now come to the character of general Cuesta. After the opinion expressed of that general by Mr. Frere, how, it was asked, could lord Wellington have reposed any confidence in him? He (marquis Wellesley) had himself, often delivered an opinion of the character of that general, and he would not hesitate to repeat it. From his conduct in the last campaign he had considered him as wholly disqualified from having the command of an army. Such was the intractability and irritability of his temper, a disposition which was considerably heightened by the extreme debility of his constitution, that he was utterly unfit for an active command, or for the punctual execution of preconcerted plans. But when lord Wellington had first to act in concert with that general, he had a great reputation for spirit, intrepidity, and talent. His known dislike of the Junta, and his desire to correct the vices of the Spanish government, were in favour of his discernment. He had besides a large party in the country, and his character stood high in the public estimation. And were not these fair grounds to justify lord Wellington's reliance on the efficiency and cordiality of his co-operation?

The next topic of censure selected by the noble marquis, was the arrangement made by lord W. to carry his plan into execution. Now what was the specific nature of the operation, which he undertook? What was it that more particularly than any other point characterised the talents and the tactics of Buonaparté, and of his generals, a frequent theme of panegyric with noble lords on the other side of the House? Was it not to seize every occasion of attacking separate corps of the army with whom they had to contend, and of defeating them in detail. Was not this precisely the plan pursued by lord Wellington? Did he not propose to attack Victor on the 23rd of July, when the corps under that general was separated from the other corps of the French army, and at a time when it would have been impossible for the enemy to have concentrated his forces.—This plan, as far as lord W. was concerned, would undoubtedly have proved successful.—Victor had but 28,000 men on the 23rd of July—Soult, Mortier and Ney were at the distance of more than 150 miles from him.—Could Lord W. have any reason to doubt or suspect Cuesta, even though he suspected that that general had a design against the government; for that design had only for its object to amend its faults, and the success of it would have encreased his popularity and power. The allied armies had 58,000 men to oppose to the 28,000 under general Victor, and had the attack taken place on the 22d or 23d as proposed by lord W. there could not have been the smallest doubt of its complete success. Was it possible to foresee that with such a decided superiority of numbers, and when there was no dread of the reunion of the different French corps, general Cuesta would have refused to engage the enemy on that day? It was not at that moment of such urgent necessity to secure the passes of Banos and Pirales. They had not however been neglected by lord W. Their defence was entrusted to the Spanish troops, and it was a species of service to which they had hitherto been always found fully competent. The noble marquis (Lansdowne) had next adverted to the battle of Talavera, and he had spoken of lord W. and of the army under his command, in those liberal and generous terms which so well became, and might so naturally have been expected, from his known character and opinions. But while he was thus disposed to bestow a due tribute of praise on the conduct of lord W. and on the conduct of his gallant army on that memorable day, he contended at the same time that the result of that glorious battle was unfortunate and fruitless. No doubt the result was far from being such as might fairly have been expected had lord W.'s plan been fully carried into execution; but what from the unaccountable conduct of general Cuesta; what from the conduct, as yet unaccounted for, of the Junta in countermanding the orders sent to general Venegas: and what from a strange interposition of other untoward and unforeseen circumstances, lord W. and his victorious army were compelled to retreat. It remains however to be enquired whether the consequences have been so fatal, and the general result of the campaign so unfortunate and fruitless as the noble marquis has thought fit to represent it.—The first result of lord W.'s general operations was the delivery of Portugal and the breathing time it has afforded for the improvement of the Portuguese army, of the Portuguese government, and of the various resources of that country; so much indeed, have they been improved in that short period, that Portugal has now a respectable army well disciplined, well equipped, and in every respect well calculated adequately to co-operate with the British troops in the common cause. The second result was the evacuation of Gallicia, and the means which have thereby been afforded of saving the Spanish ships and the other naval resources of Spain at Ferrol. Again; were it not for the contradictory orders and mismanagement of the Junta, Seville might still be safe and the southern provinces as yet untouched. For by means of the position which lord Wellington took up at Badajos, the enemy were deterred from making any attempt against the south, and as long as he maintained it, they did not venture to move a single man in that direction. Indeed, had the plan which he (marquis Wellesley), in conjunction with lord Wellington, recommended to the Junta, been adopted, he was convinced that the French would not have been able to enter Andalusia. Their advice was that the Spanish armies should be employed for defensive purposes only, and that they should studiously avoid regular battles. That such should be the conduct to be pursued by the armies under the duke Del Parque, and gen. Arezaga, while the central army should be encreased to 20,000 strong, and should be stationed with the same view under the duke of Albuquerque in Estramadura. The British would in the mean time cross the Tagus and look to the defence of Ciudad Rodrigo. Had this advice been strictly followed, the Spanish armies might still be entire, and the Cortes would be now sitting at Seville? Yes, the noble marquis may say; your plan was very good, but it was not executed. True; he (marquis Wellesley) stated it, however, in order to shew that the cause of Spain was far from being desperate at that time. To use a military phrase, the Spaniards might have stood fast, while their armies formed a line behind which they might have tranquilly employed themselves in the reform of their military and civil administration. So far then the result of the last campaign, and even of that under general Moore, was not ineffectual for the defence of the south of Spain. Now he would ask the noble marquis, and their lordships, what it was which originally induced England to espouse and promote the cause of Spain? Was it not because her exertions in vindication of her independence were felt to operate as a powerful diversion, in favour of the powers of the continent, then in arms against France; was it not because these exertions of Spain held out the encouragement of her example, and the advantage of her co-operation to induce them to shake off the galling and degrading yoke of France. Was it not because these efforts on the part of Spain afforded to this country the best chance of providing for her own security, by keeping out of the hands of France the naval means of Spain, which Buonaparté was so eager to grasp, knowing they were the most effectual weapons he could wield against the prosperity and the power of Great Britain. The views of Buonaparté in his endeavours to subjugate Spain must be obvious, even to superficial observers. The old government of Spain was devoted to his interests, and had placed at his disposal the various resources of that country, but the old government was feeble and effete; and however subservient to his will, he knew it was an instrument which he could not pitch to the tone of his designs. He therefore resolved to seize upon the whole peninsula, and to establish in it a government of his own. Different motives may be supposed to have concurred, in inducing him to adopt that resolution. He may have been prompted to it, partly by his hatred to the Bourbon race, partly by the cravings of an insatiable ambition, partly by the vain desire of spreading his dynasty over Europe, partly by mere vanity, no rare ingredient in the composition of great characters; but however he might be actuated more or less, by these incentives, his main object in attempting to establish his domination in Spain and an organ of government on his own model, was, that he might wield with new vigour the naval and colonial resources of Spain, to the detriment of Great Britain. This alone could suit the vastness of his designs; this alone could promise to gratify his mortal hatred of the British name. By the entire subjugation of the peninsula, and the full possession of its various resources, he knew that he should be best enabled to sap the fundamental security of these kingdoms. Their lordships must, therefore, be sensible, how highly important it was to keep alive in Spain a spirit of resistance to France. By so doing we should not be acting merely from the impulse of a noble feeling, and solely on the principle of generosity; but we would adopt and pursue the most certain means of frustrating the projects of Buonaparté, and of thereby providing for our own safety as a nation. Experience had sufficiently shewn that there were no means, however unprincipled, which Buonaparté would scruple to employ for the attainment of his ends. To him force and fraud were alike,—force that would stoop to all the base artifices of fraud,—fraud that would come armed with all the fierce violence of force. Every thing which the head of such a man could contrive, or the arm execute, would be combined and concentrated into one vast effort, and that effort would be strained for the humilation and destruction of this country. This was the great principle which actuated the first authors of the French revolution. Universal dominion was then their object—universal dominion now is, and will continue to be, the aim of all French governments, but it is preeminently the object to which such a mind as Buonaparté's will aspire. England alone stands in the way of the accomplishment of that design, and England he has therefore resolved to strike down and extirpate—

A Jove principium, Jove desinet.

How then were these daring projects to be met? How, but by cherishing, wherever it may be found, but particularly in the peninsula, the spirit of resistance to the usurpations of France. We have already reaped the beneficial effects of that policy, for, if we have saved the navy of Portugal, if we have saved the Spanish ships at Ferrol; if we have enabled the Portuguese government to emigrate to their colonies, if we have succeeded in yet securing the naval and colonial resources both of Portugal and Spain; how have these important objects been achieved but by fomenting in both these kingdoms a spirit of resistance to the overwhelming ambition of Buonaparté? To this end must all our efforts be now directed. This is the only engine which now remains for us to work in opposition to Buonaparté's gigantic designs.

Why then, said marquis Wellesley, should we depart from that salutary line of policy? what is there to dissuade or discourage us from adhering to it. For my part, my lords, I can discover nothing in the aspect of Spanish affairs that wears any thing like the hue and complexion of despair. If, indeed, it had appeared that this spirit began to languish in the breast of the patriotic Spaniards, if miscarriages, disasters, and defeats had been observed to damp the ardour and break down the energies of the Spanish mind, then might it be believed that further assistance to the Spanish cause would prove unavailing. But, fortunately for this country, my lords, not only is there life still in Spain, but her patriotic heart still continues to beat high: The generous and exalted sentiment, which first prompted us to lend our aid to the cause of Spain, should therefore be still maintained in full force, and should still inspirit us to continue that aid to the last moment of her resistance.—The struggle in which Spain is now engaged is not merely a Spanish struggle. No, my lords, in that struggle are committed the best, the very vital interests of England. With the fate of Spain the fate of England is now inseparably blended: Should we not therefore stand by her to the last? For my part, my lords, as an adviser of the crown, I shall not cease to recommend to my Sovereign to continue to assist Spain to the latest moment of her resistance.—It should not dishearten us that Spain appears to be in the very crisis of her fate; we should on the contrary extend a more anxious care over her at a moment so critical. For in nature, and above all in Spain, how often have the apparent symptoms of dissolution been the presages of new life, and of renovated vigour. Therefore, my lords, I would cling to Spain in her last struggle, therefore I would watch her last agonies, I would wash and heal her wounds, I would receive her parting breath, I would catch and cherish the last vital spark of her expiring patriotism; yes—

> Date, Vulnera lymphis
> Abluam et extremus si quis super halitus errat,
> Ore legam.

Nor let this be deemed a mere office of pious charity; nor an exaggerated representation of my feelings, nor an overcharged picture of the circumstances that call them forth. In the cause of Spain, the cause of honour and of interest is equally involved and inseparably allied. It was a cause in favour of which the finest feelings of the heart unite with the soundest dictates of the understanding. Under that conviction it is impossible for me to accede to the resolutions moved by the noble marquis, one of which tends to censure transactions which, in my humble opinion, are entitled to praise, and the other purposes to impute blame to those on whom your approbation may be more justly conferred.

The Earl of *Moira* observed, that from the whole of the statements and animadversions of the noble marquis, not one sound position could be deduced hostile to the resolution before the House. That ministers deserved censure for the injudicious system they had pursued throughout with regard to Spain, he had not the slightest doubt, nor had, he firmly believed, any man in the community, who had dispassionately considered the subject. They declined to avail themselves in due time of the glorious opportunity which the occasion presented, and when they interposed, their interposition was ill conducted. Through the overweening vanity of the enemy, who calculated upon the prompt submission of the Spanish people, a spirit was excited in Spain, which, properly directed, might have materially altered the state of the continent. But instead of aiding that spirit with judgment, our generals were sent out without instructions, and our ambassadors without any adequate or proper authority. The noble marquis had asked, whether any achievements had not been performed by our armies in the cause of the Spanish campaigns? that, however, was not the question for their lordships to consider on this discussion; but whether ministers had acted with wisdom, and whether any achievement had occurred which produced or even tended to produce any useful result? But with respect to achievement, was the Walcheren expedition in the memory of the noble marquis, when he used that word, or was it possible to find 300 men from the Land's End to Caithness, who did not loudly condemn that very ill conceived, and still worse executed project? If the noble marquis referred to Talavera, he would ask him whether that engagement was productive of of any one solid advantage? It was said, indeed, that the cause of the advance of lord Wellington into Spain was, that his station at Badajos served to produce a check upon the French, and prevent them from proceeding against the Spanish armies in the south of Spain; but he contended that the check would have been equally efficient if our army had remained in Portugal, while it would have escaped the calamitous consequences of the battle of Talavera. What, however, was the nature of the check occasioned by the course of lord Wellington? Why the French, notwithstanding that advance, succeeded in destroying the two Spanish armies, which it was now said he proposed to have protected, while he was himself under the necessity of retreating. Much as he wished for the success of the Spanish cause, yet if it were meant to manage matters as ministers had heretofore done, his decided conviction was, that it would be better at once to bring all our troops away from the Peninsula; for if there were no prospect of saving Spain, our own army ought not to be unnecessarily risked, perhaps sacrificed. While he said this, he begged not to be understood as one who would recommend the desertion of Spain, while any prospect of success remained. On the contrary, he would afford every possible aid towards combining and concentrating the energies of the Spanish people, with a view to the attainment of their great object. For, independently of any generosity of sentiment or feeling which should interest us in their cause, the success of that cause vitally concerned our own security. In fact, unless some means were contrived to alter the relative situation of this country with respect to France, he was persuaded that the war could not go on long without subjecting us to some dreadful calamity.

Lord *Sidmouth* disapproved of the general conduct of ministers, yet he could not subscribe to the motion of his noble friend. Although he decidedly felt that instead of engaging in the impolitic expedition to the Scheldt, an army of at least 10,000 men should have been sent to Spain, particularly when it was understood, that lord Wellington was advancing into that country, in order, by a demonstration upon the coast to create some diversion in his favour. Although he could not help lamenting either the neglect of ministers, in collecting information, or their want of judgment in applying it, with regard to Spain, still he could not assent to the proposition, which appeared to him to involve a censure upon the military conduct of two such able officers as sir John Moore and lord Wellington. For the latter he felt a high degree of admiration, but yet that could not interfere in his mind with the praise due to the posthumous fame of sir John Moore—Yes, said the noble lord,

> "Let others hail the rising sun,
> I bow to that whose course is run."

To the sagacity and judgment of the noble secretary of state with regard to Spain, he was ready to bear the highest testimony, and he regretted very sincerely that recourse had not been had earlier to the services of that noble marquis. Indeed, upon the first intelligence of the enthusiasm which manifested itself in Spain in June 1808, he took occasion to express his opinion, to his noble friend, as to the peculiar propriety of immediately dispatching that noble marquis upon a mission to Spain. He feared that he was sent too late for any efficient purpose, but still he would not abandon the cause of Spain.—No, the attachment he felt to that cause was such, that to use the words of Mr. Burke, he could never allow despair to check his hopes.

The Earl of *Rosslyn* spoke at length on the extraordinary and continued misconduct of the affairs of Spain, from the commencement of the contest. To this misconduct in the ministers of this country he attributed all the disasters which had befallen our army under the command of sir John Moore. To this misconduct and neglect of ministers, he also attributed the fatal consequences, that had attended the army of sir A. Wellesley at, and subsequent to, the battle of Talavera. Ministers had invested that gallant general with a discretionary power, which was the next door to a command to advance, and the marquis had used an argument which he could not but condemn, viz. in the situation in which sir A. Wellesley stood, what would the people of this country have said if sir A. Wellesley had not advanced. This was a mode of argument which could not too much, be deprecated, for if once our armies abroad were to be governed by the gusts and whirlwinds of popular opinion at home, there was an end to their safety; as a contrast to this mode of conduct, he instanced that of lord Chatham in the expedition to the Scheldt.—There could be no doubt but he might have made a landing and gained some very brilliant advantages in the outset, but the certain consequence would have been, that he would have lost much if not the whole of his army in the end; the noble lord had therefore saved his army at the expence of his popularity; he begged pardon for the digression, but he could not avoid doing this justice to the military judgment of the noble earl. But to return to the affairs of the peninsula, he must remark from the whole of the dispatches of the noble marquis, that the Spanish government was a mixture of deception, duplicity, and treachery. He was sorry the noble marquis had not been employed sooner; if he had, the noble lord believed the contest would have been much more favourable to the patriots; but even with all the noble marquis's exertions there was a passage in one of his dispatches in which he seems to suppose he might have exceeded his instructions, from which he argued that the want of concert, or in short of any plan at all, in his Majesty's ministers, had altogether paralised every effort of those whom they employed in the Peninsula.

Lord *Borringdon* defended the late campaign, as well as the conduct adopted towards Spain at the period of her first resistance to the attack of France. Every principle of general policy, and every circumstance arising out of the particular character and condition of Spain forbad our attempting to interfere more than we had interfered in her internal affairs. Within three months after the first intelligence was received in this country, of the Spanish resistance, supplies to an enormous amount, and of every description, had been actually sent to Spain; 160,000 muskets had arrived there; we gave them liberally every means of resisting the common enemy; and we exhorted them by all our agents, to consolidate and unite their several provincial juntas into one government, in such a manner as to them might appear best. No good could have arisen from a greater interference; we had no means of knowing whether the Spanish nation inclined to vest all authority in the council of Castille; in the junta of Seville; in a regency under the archbishop of Toledo, or in one under a member of the Sicilian, or Portuguese branches of the Spanish family. All these modes of government were thought of, previously to the assembly of the Central Junta; and what policy ought to have led this government to interfere, or mark a preference of one of these modes of government over another? If, in subsequent periods his Majesty's ambassador has been consulted by the Spaniards on matters of internal government, that circumstance can alone be attributed to the confidence which our previous delicacy and forbearance had created. The consideration of the good or bad conduct of his Majesty's ministers, with regard to the late campaign, is limited to the propriety or impropriety of their selection of the commander-in-chief and the extensive discretion which they placed in his hands. Lord Wellington's conduct in India, and at Vimiera, amply justified their choice. The papers upon the table, coupled with his acts, proved him to be a statesman as well as a general; it had been alledged with truth that great injury had arisen to the common cause, in the previous campaign, by a greater discretion not having been given to the general. These considerations established as well the wisdom of the appointment, as of the discretion given. The responsibility attached to that discretion, had, in the most trying moments of the campaign, been manfully acknowledged by lord Wellington. Early in May his Majesty's minister at Seville represented the spirit and determination of the Spaniards to have suffered no abatement, from one end of Spain to the other, the Spaniards called the war a crusade; in June, the corps of Soult in one part of the peninsula, and the corps of Victor in another, were each in a state of unexampled distress. What would have been urged against lord Wellington, had he, under such circumstances, not advanced his army? He was not responsible for general Cuesta's misconduct, after the battle of Talavera; that battle had in fact maintained the cause of Spain. It proved to all Europe our sincerity in the cause, which, in Spain itself, had before been doubted; without our entrance into Spain the Spanish armies must have been annihilated. At no period, and in no country, had the loss and sufferings of the French been so great as during the last eighteen months in Spain; our continuing at this time in the peninsula, still upheld our hopes, as to the eventual result of this glorious cause. He was not at first among the most sanguine in his hopes, as to the ultimate success of the Spaniards; but those hopes, such as they were, had undergone no diminution. The Spaniards appeared to be returning in most parts of Spain, to that system of warfare which was recommended in a very able paper, called the Instructions from Seville, issued at an early period of the war. If they did so, they must be invincible.

Lord *Holland* animadverted with peculiar force upon the misconduct of ministers with regard to Spain. Those who disapproved of our interposition at all in the cause of Spain, and those who were interested in the success of that cause, must, in his judgment, be equally disposed to condemn the course taken by ministers. If, indeed, there was any difference, it must be on the part of the friends to Spain, who must feel peculiarly mortified by the disappointment of their wishes through the misjudging policy of those ministers; and he was one of those so mortified, for he never knew of any event that created a more lively interest in his mind, not excepting the dawn of the French revolution, which, as well as the cause of Spain, he thought afforded a most favourable prospect for liberty. He censured the panegyric pronounced upon the judgment of the noble marquis; but the neglect to employ that noble marquis sooner formed a ground of charge against ministers, as the panegyrist of the noble marquis must feel. Instead of employing the noble marquis to assist the Spanish government by his wise councils, Mr. Frere and Mr. Stuart were sent out without any adequate instructions, particularly with regard to that most important point, the arrangement of a system for conciliating the minds of the Spanish people by a redress of their grievances; by a restoration of their rights. In addition he had also to charge ministers with not having sent out a sufficient force, or given proper instructions, or adequate provision, to even that force which it sent. After enforcing these points, the noble lord, in a strain of peculiar animation, exhorted ministers to revise their plan of operations with regard to Spain; to consider the importance, if at all practicable, of preserving that country from the dominion of the enemy—above all, with respect to our own security, to weigh well the peculiar facilities for the invasion of Ireland, which the ports of Cadiz and Lisbon were calculated to afford. Having but two nights since refused to conciliate Ireland by rejecting the just claims of three-fourths of its population, it behoved ministers to look carefully to that point. As to the fate of New Spain, if Old Spain should not be liberated, his advice would be to promote the establishment of such a system of government in the former as good statesmen could alone approve in any country, namely, a system founded upon the opinions and wishes of the people.

The Earl of *Ross* observed, that having read the papers presented to the House, and from a full consideration of the operations in Spain, he was impressed with the propriety of opposing the motion.

The Earl of *Darnley* supported the motion, and argued that to the imbecility of ministers the disasters of that and other campaigns were solely attributable.

The question being loudly called for, a division then took place upon the marquis of Lansdowne's resolution, when the numbers were, Contents 33; Non-contents 65; Majority against the Resolution 32.

HOUSE OF COMMONS.

Friday, June 8.

[Petition and Remonstrance from Nottingham for Reform in Parliament, the Release of Sir Francis Burdett, &c.] Mr. Smith presented a Petition and Remonstrance from the freeholders, burgesses, and inhabitants of the town and county of the town of Nottingham, setting forth, "That, whilst most of the nations on the continent of Europe have been sunk in despotism, and, in consequence, involved in anarchy, it has been the glory of England to possess a limited monarchy, a happy constitution, consisting of King, Lords, and Commons, in Parliament assembled—That the petitioners hail, with rapture, that branch of the legislature which forms the democracy of the constitution, the House of Commons, receiving it as the peculiar blessing of Englishmen, the palladium of our liberties, on the preservation of which depends the salvation of our country; and that the petitioners cannot therefore be justly charged with any wish to lower the dignity of this branch of the constitution, when they humbly request a patient hearing of their grievances, and a redress of what they conceive to be their wrongs; and that, under this conviction, they beg leave to call the attention of the House to a statement offered to be proved at the bar, and still remaining uncontradicted on the Journals of the House, that 300 members of the House, comprizing nearly one half of the whole number, are in fact, returned to the House by 150 Peers; the petitioners appeal to the House, whether this glaring fact be not in direct opposition to the original design of the constitution; whether the Commons House of Parliament, instead of being a check upon the Lords, and upon the throne, is not in danger of becoming, by this means, an humble dependant upon the aristocracy, or the tool of the crown; whether it be probable that the sentiments of the Peers should, in every respect, accord with the sentiments of the people, whose Guardians and Representatives the Commons are expected to be; and that the petitioners are induced to make this appeal at the present time, in consequence of several recent occurrences, in which a majority of the members has not only acted in opposition to the voice of the people, but (the petitioners are compelled to state,) has, in their estimation, violated the liberties and birthrights of Englishmen; and the petitioners pray, that the House would coolly and deliberately review that clause in the Bill of Rights, upon which Mr. John Gale Jones was arraigned at the bar, and condemned to confinement in a prison during the pleasure of the House, the petitioners ask, whether the clause which he was charged with having violated, "that the freedom of speech, or debates and proceedings in parliament, ought not to be impeached or questioned in any court or place out of Parliament," was not intended to check the encroachments of a despotic king upon the liberties of the people, not to screen their representatives from the people's animadversion; in proof that this was its meaning, the petitioners refer the House to the last clause in the same glorious Bill, which states "that no declarations, judgments, doings, or proceedings, to the prejudice of the people, in any of the said premises, ought in any wise to be drawn hereafter in consequence or example;" the petitioners ask whether the House have not converted one clause "to the prejudice of the people," and, by depriving a British subject of his liberty, without a trial by his peers, acted with a vigour beyond the law; and that the petitioners beg leave to state to the House their opinion, that it is not only the right, but the duty, of every representative to lay before his constituents the motives of his public conduct, and appeal to them for their sanction and approbation: impressed with this conviction, the petitioners learn with sorrow that sir Francis Burdett, for a statement of his opinions to his constituents, has been dragged from his family and home by an order of the House, and conveyed by an army of soldiers to the Tower; and that, whilst the utmost stretch of power is exercised upon those who in the opinion of the petitioners are not merely innocent, but deserving of the gratitude of their country, they observe with concern and mortification, that the highest state delinquents incur not even so much as their censure—Lord Castlereagh, an acknowledged trafficker of seats in the House, is politely excused, and kindly forgiven—the House has refused even to inquire into the conduct of Mr. Perceval, the first minister of the crown, though charged with conniving at practices at which our ancestors would have startled with indignation, "because those practices are as notorious as the noon day sun;" and that these and other grievances imperiously demand the petitioners to call for a thorough Reform of the House of Commons; they therefore humbly but urgently pray, that, as a preliminary step, the House will immediately order the liberation of John Gale Jones and sir F. Burdett, and then lend every assistance in their power towards the attainment of a complete Reform in the Representation; the petitioners are confident that they utter the sentiments of millions of Britons, when they appeal to the noblest feelings by which man can be actuated, the love of his fellow men; when they address themselves to the cool dictates of the unbiassed judgment of the House, when the petitioners call upon the House, for the preservation of its own dignity, to grant them a radical Reform, they believe that the happiness of the nation, and the salvation of the country, depend upon it; only let the House of Commons be the fair Representatives of the people, and the petitioners are persuaded that they will have no occasion to complain of the violation of their privileges, for their privileges and our liberties would ever accord: around such a House of Commons the people of England would rally with enthusiasm and rapture; they would unite with them in one common cause, and be ready to shed the last drop of their blood in their protection and defence."—Ordered to lie upon the table.

[PETITION FROM ROCHESTER FOR THE RELEASE OF SIR F. BURDETT, &c.] Mr. *Calcraft* presented a Petition from the citizens and inhabitants of the ancient city of Rochester, legally assembled under the Guildhall of the said city, setting forth, "That the petitioners beg leave to state, that they deeply lament the agitation which prevails in the public mind in consequence of the late proceedings in parliament relative to Mr. John Gale Jones and sir F. Burdett, and that they do not presume to interfere with the exercise of the lawful privileges of the House, but at the same time cannot refrain from expressing their humble opinions, that in the imprisonment of Mr. John Gale Jones and sir F. Burdett, those privileges have been considerably overstrained; and therefore request that the House will be pleased to revise their late proceedings, and restore those persons to their liberty; of which, in the opinions of the petitioners, they now are unconstitutionally deprived; and that the petitioners cannot but deplore the vote given by the House upon the late inquiry into the Walcheren Expedition, as contrary to the wishes, opinion, and expectation of the country, and as tending to induce a belief that the power of government has an excessive weight in the deliberations of the House; and that the petitioners see, with alarm, the enormous influence acquired by the number of sinecure and other places given to the disposal of the crown, whereby ministers, utterly unfit for their situations in the present critical posture of affairs, are supported, in opposition to the general wishes of the country, whose confidence they neither deserve nor possess; and humbly stating, that the defective and decayed state of the representation operate, in their opinions, to increase the grievances so generally complained of; and therefore praying, that the House will make such reform in the representation as may restore public confidence, and afford a reasonable hope of a due attention being given to the national complaint." Ordered to lie on the table.

[ADDRESS AND DECLARATION FROM KINGSTON UPON HULL, RESPECTING THE COMMITMENT OF SIR F. BURDETT.] Mr. *Staniforth* prevented an Address and Declaration of the there-undersigned inhabitants of the town of Kingston-upon-Hull, the county of the same town, and the parish of Sculcoates, in the county of York, adjacent thereto; setting forth, "That the undersigned, alarmed by the insidious and repeated attempts which have been lately made by an active and factious party, under the specious pretext of reform, to subvert (as they believe) the very basis of the constitution; and indignant at the unwarranted and shameless assumption of the description of "merchants, tradesmen, and principal inhabitants of this town and the neighbourhood," under which a Petition expressive of sentiments they abhor, has been, or will be presented to the House, feel that it has become a duty to themselves and their country, to unmask the imposture, and avow their own genuine and unbiassed opinion, not therefore concealing their names, or their numbers, under the dubious and deceptious signature of a chairman; they do solemnly and individually protest against the petition, which they suppose to be now upon the table of the House, as from the town of Kingston-upon Hull and its vicinity, as by no means containing the sentiments of either the most respectable or the most numerous part of their inhabitants; they cannot better describe the character of the meeting, at which the petition alluded to was voted, or rather acclaimed, than by stating that it was convened contrary to the sense, and in defiance of the refusal of their chief magistrate, and was not ashamed to tolerate expressions of insult towards the magistracy itself; thus misleading the minds of the lower classes, and exciting principles of insubordination and discontent. So impelled, permit them respectfully and most seriously to declare that upon the important question now at issue respecting the privileges of the House, and the more immediate exercise of those privileges in the case of sir F. Burdett (against which the efforts of faction are at present directed) they do entirely and sincerely approve of the resolutions and conduct which the House has adopted; and they trust that the House will continue firm and resolute in maintaining the liberties, franchises, privileges, and jurisdiction of parliament, as not only the true and unalienable birthright and inheritance of the subjects of these kingdoms, but as the last and best, the strong and impregnable, barrier of their own rights, liberties and independence; and in so far as the House shall assert them, by legal and constitutional means, they pledge themselves in support of the House; May the wisdom of the Most High inspire their counsels, that, under the blessing of his providence, this happy country, which has so long flourished in wealth and freedom, may, in despite alike of the mischievous attempts of wicked or misguided men at home, or the restless ambition of enemies abroad, remain, as it now is, the glory and the pride of Britons, and the envy of the world!"—Ordered to lie upon the table.

[Petitions of Protestants and Christians, for Liberty of Conscience.] Mr. *Whitbread* presented a Petition from the there-undersigned Protestants, on behalf of themselves and others who agree with them in considering absolute Liberty of Conscience respecting religion to be the unalienable right of all men; setting forth, "That it is the duty of all men to examine, as diligently as may be in their power, the doctrines of religion, and, after such diligent examination, to adopt and to profess what may appear to them to be the truth; and that, in the performance of that duty, men ought not to be obstructed or discouraged, or otherwise tempted to act hypocritically, by any law tending to biass them in the course of such examination of the doctrines of religion, by subjecting them, in the case of their dissenting from the doctrines of any established church, to suffer death by burning or otherwise, or to suffer any corporal or pecuniary punishment, or to be injured in their reputation by any disability more or less disgraceful; and more particularly that they ought not to be injured, by exclusion from the service of their country, by bearing arms in its defence at a crisis of great national danger such as that which is now impending over the British empire; and that the petitioners acknowledge, with high satisfaction, that, in the present reign, considerable progress hath been made towards the full restoration of the rights of conscience, by the wisdom of parliament, and the benignity of the King, rescinding various laws, in whole or or in part, which were violations of those rights; yet, since other penal laws, not less injurious to those rights, remain unrepealed—since some of these laws subject to corporal punishments or pecuniary penalties—others, as in the case of the Test Laws, passed in the reign of Charles 2, subject to disgrace, disability, and privation of civil rights, persons whose only offence it is, that, in conformity with their duty, they have examined the doctrines of religion, and, by such examination, have been induced to embrace and to profess religious opinions different from the doctrines of the established church—the petitioners feel it to be their duty humbly but earnestly to remonstrate against the longer continuance of any of these intolerant laws; and they do, in conformity with the premises, expressly petition the House, that every such unjust law may be repealed, and the rights of conscience may thus be restored to all the subjects of the united kingdom; at the same time they declare to the House, that, if the legislature of their country should not feel themselves convinced, as the petitioners do, that every trace of intolerance ought to be immediately expunged from our statutes, yet, if the repeal or modification of any of our intolerant laws should now take place, particularly if the Test Laws, as they affect our military force by sea and land, should now be relaxed in this part of the United Kingdom in the same manner as they have been relaxed in Ireland; the petitioners would view, with heartfelt gratitude, any such measure as a still farther advance towards the complete restoration of the rights of conscience: and, at this crisis particularly, would consider that modification of the Test Laws which has been alluded to as having the most salutary tendency to unite with the Protestant part of the community a numerous and respectable body of our Catholic fellow subjects in a zealous defence of the empire against the meditated attack of our gigantic and all-grasping enemy."

Mr. *Whitbread* also presented a petition from the there-undersigned Christians, on behalf of themselves and others who agree with them in considering absolute liberty of conscience respecting religion to be the unalienable right of all men; setting forth, "That it is the duty of all men to examine, as diligently as may be in their power, the doctrines of religion, and, after such diligent examination, to adopt and to profess what may appear to them to be the truth; and that, in the performance of that duty, men ought not to be obstructed or discouraged, or otherwise tempted to act hypocritically, by any law tending to bias them in the course of such examination of doctrines of religion, by subjecting them, in the case of their dissenting from the doctrines of any established church, to suffer death by burning or otherwise, or to suffer corporal or pecuniary punishment, or to be injured in their reputation by disability more or less disgraceful; and that the petitioners acknowledge, with high satisfaction, that in the present reign, considerable progress hath been made towards the full restoration of the rights of conscience, by the wisdom of Parliament and the benignity of the King, rescinding various laws, in whole or in part, which were violations of those rights; yet, since other penal laws, not less injurious to those rights, remain unrepealed, since some of those laws subject to corporal punishments or pecuniary penalties; others, as in the case of the Test Laws, passed in the reign of Charles II. subject to disgrace, disability, and privation of civil rights, persons whose only offence it is, that, in conformity with their duty, they have examined the doctrines of religion, and, by such examination, have been induced to embrace and to profess religious opinions different from the doctrines of the established church; the petitioners feel it to be their duty humbly but earnestly to remonstrate against the longer continuance of any of these intolerant laws; and they do, in conformity with the premises, expressly petition the House, that every such unjust law may be repealed, and the rights of conscience may thus be restored to all the subjects of the united kingdom; at the same time they declare to the House, that, if the legislature of their country should not feel themselves convinced, as the petitioners do, that every trace of intolerance ought to be immediately expunged from our statutes, yet, if the repeal or modification of any of our intolerant laws should now take place, particularly if the Test Laws, as far as they affect our military force by sea and land, should now be relaxed, the petitioners would view, with sincere gratitude, any such measure as a still further advance towards the complete restoration of the rights of conscience; and, at this crisis, would consider it as having a salutary tendency to allay religious animosities, and to unite the great mass of the community in a zealous defence of the empire against the meditated attack of our gigantic and all-grasping enemy."

Mr. *Whitbread* said, he entirely concurred with every sentence contained in the petitions. He felt proud that he had been selected to present these petitions, which were put into his hand by a venerable and worthy character, Mr. Wyvil, who enforced the purest doctrines, and acted up to them, and who had spent a laborious, useful, industrious, and innocent life in the most laudable pursuits, the remnant of which would be sweetened, if he was instrumental in having these restrictions removed.

Mr. *W. Smith* agreed in opinion with his hon. friend, and concurred in the principles laid down in the petitions, which were just and well-founded. If the House shut their eyes against the prayers of the petitions, the Catholics could not expect to be emancipated.

The petitions were ordered to lie on the table.

[MONUMENT TO LORD COLLINGWOOD.] Mr. *Yorke* congratulated himself, that the first occasion he had to address the House in his official capacity, should be to call their attention to a measure, the object of which was to do justice to the merits and memory of that meritorious and elevated character, lord Collingwood, by voting him a monument, to commemorate the gratitude of the country for his many noble and splendid services. In doing this, it might not be amiss to mention some traits in the noble lord's character, which perhaps were not much known, but which ought to be universally so. Lord Collingwood entered into the naval service, under the auspices and protection of admiral sir Hyde Parker, an officer of great merit and celebrity, and one to whom the country had been eminently indebted for many gallant actions. After passing through all the subordinate offices of the navy, he came to be post captain at the same time with lord Nelson, and there had ever subsisted the warmest friendship between these two heroes. The first occasion in which he had an opportunity of particularly signalizing himself, was as captain to admiral sir G. Bowyer on the memorable first of June, in which he highly distinguished himself. He then served under lord St. Vincent, at the memorable battle of the cape of that name, and highly distinguished himself by covering lord Nelson in the Captain, and thereby enabling him to take two ships of far superior force to his own. As an instance of his laudable jealousy of fame, and his anxiety rather to deserve than to obtain it, he thought it right to mention the circumstance of his having been accidentally omitted in the number of those captains who obtained medals for their services in the action of the first of June. So deeply was this omission felt by lord Collingwood, that when his distinguished services in the battle of cape St. Vincent were thought worthy of this distinction, he declined the medal unless he received along with it an acknowledgment of his having deserved a medal in the action of the first of June. Lord Spencer, the then lord of the Admiralty, very properly acceded to the justice of this requisition, and lord Collingwood received the two rewards he had so well earned in the battles of the first of June and of Cape St. Vincent. He was afterwards detached as second in command to lord Nelson at Trafalgar, and had his share in the glory of that memorable battle. He was first engaged with the St. Anne, one of the largest ships of the Spanish navy, and afterwards, with several others in the same fleet, which he either took or drove off. But the merit of lord Collingwood did not rest here, for after the loss of lord Nelson, he took on him the chief command of the fleet, and by his active valour and superior skill, saved four of the enemy's ships which otherwise would have got away, and concluded the engagement in a manner at once redounding highly to the bravery and intrepidity of the British navy, and to the superior skill and ability of its commanders. From that day he continued in the chief command of the fleet, and made such masterly dispositions, as secured and blocked up the Mediterranean; and at the time he was snatched from us, he was adored by the fleet, dreaded by the enemy, and admired by all who heard of his conduct. He believed no one would differ with him on this subject, and therefore moved: "That an Address be presented to his Majesty, praying, that he would be graciously pleased to give directions that a Monument be erected in the cathedral of St. Paul's, to the memory of vice admiral lord viscount Collingwood, and that an inscription should be made, setting forth his eminent services, and particularly his skill and courage displayed in the ever memorable battle of Trafalgar, on the 21st of October, 1805, and that this House would make good the expences of the same."

Mr. *C. W. Wynn* was so far from dissenting from the present proposition, that he thought if there was no precedent for it, if lords Rodney and Howe had not been voted Monuments though they had not died in action, still he thought the House were bound to make a precedent in the present case.

Sir *C. Pole* bore his testimony to the

merits of lord Collingwood.—The motion was then agreed to *nem. con.*

[Mr. C. W. Wynn's Resolutions respecting Privilege.] Mr. *Charles Williams Wynn,* pursuant to notice, called the attention of the House to the situation in which its privileges were placed, by the actions lately commenced against their Speaker and Serjeant, by sir F. Burdett, and the proceedings which had taken place on that subject.

He had delayed, as long as possible, to bring this question forward, in the hope that it would have been taken up by some member of greater experience and ability; but as that had not been the case, the sense which he entertained of the absolute necessity of some step being taken, rendered it his imperious duty to submit to the House, his view of the true state of the question.

By the notice which had been delivered to the Speaker by Mr. Ellis, attorney to sir Francis Burdett, it was expressly declared, that this action was commenced against him for an act done by him as Speaker. This, in itself, constituted the highest breach of privilege, of which an individual could be guilty. Yet what had been the proceedings of the House upon it? They merely entered the Notice on the Journals, and then referred it to a Committee. That Committee reported, "That the bringing these actions against the Speaker and Serjeant, for acts done in obedience to the orders of the House, is a breach of privilege.—That it appeared, that in several instances of actions commenced in breach of privilege, the House had proceeded by commitment, not only against the party, but against the solicitor, and other persons concerned; but that the commitment would not necessarily put a stop to the actions.—And that, though the House should think fit to commit the solicitor, or other persons concerned in commencing these actions, yet it would be expedient, that the House should give leave to the Speaker, or Serjeant, to appear to the said actions, and to plead to the same, for the purpose of bringing under the knowledge of the court, the authority under which they acted."

Here were, in effect, three distinct resolutions of the Committee, upon which the House was called to declare its opinion; yet, of these three, they had noticed only the last, leaving the other two without any comment whatever.

In every former instance, where a breach of privilege had been reported by a committee, the House had felt it necessary to pronounce its judgment upon that report, and for the benefit of posterity, to record on the journals, that the facts there stated did constitute an offence. Cases might, indeed, be found, where the House had, for different reasons, thought it inexpedient to inflict any punishment; but, even there, they usually stated by a resolution, their sense of the offence committed, and their reasons for inflicting no punishment upon it, in the particular matter before them. Such was the case of lord Castlereagh, in the very last session of parliament. Here the House had passed over the whole transaction, as if it was a legal, allowable, and laudable course which had been pursued.

The country was bound to presume, as things now stood, that the House of Commons did not consider the action which had been commenced as any infringement of its privileges. The silence of the House, in this instance, constituted an abandonment of all such privilege, and it would become difficult, perhaps impracticable, to resume it upon any similar occasion in future. Could the House, with any colour of justice, hereafter proceed against any solicitor, who should again serve such a Notice on the Speaker? What was to prevent Mr. Gale Jones, or any other person who had incurred the displeasure of the House, from adopting the same course? Or why should any attorney, to whom they might apply, hesitate to undertake their suit? Suppose him, having done so, called to the bar of the House: might he not, for his justification, refer to the journals, and state, that the parliament of 1810 had full cognizance of the whole progress of such an action, and that, though a Committee had reported it to be a breach of privilege, the House had studiously avoided agreeing to that report, or taking any step to interrupt the course of such an action, and had, on the contrary, recognised its legality and propriety by directing the Speaker to plead to it?

It had been urged, on the other side of the House, that this case was similar to those where a Habeas Corpus had been sued out, by persons committed by the House; and it had been asked, whether the Solicitor employed to obtain it had ever been punished? The cases were widely different. There the solicitor might not know under what authority the prisoner was committed, until a return had been made to the Habeas Corpus. The House had no knowledge that any solicitor was employed to sue out the Habeas Corpus. In fact, none need be employed; for, by law, the gaoler was bound to apply for it on the requisition of the prisoner. Here the knowledge, that the solicitor was fully aware of the nature of the action, was forced upon the House by the terms of the Notice. They could not shut their eyes to it. Many instances there undoubtedly were, where common prudence and good sense would induce the members of the House to pass over offences altogether. Of such a nature, perhaps, in the opinion of many, was the paper of Mr. Gale Jones, when it was originally complained of; but when it had been once regularly noticed, and by a formal complaint forced on the attention of the House, no member could doubt any longer as to the course to be pursued, or could hesitate to concur in the vote which the House finally passed upon that occasion, however he might have been disinclined to the original agitation of the question.

Two of his Majesty's ministers (Messrs. Yorke and Perceval) had declared, that the question was now before a tribunal, whose decision would set it at rest. Did they mean to contend then, that if the opinion of the King's judges should be adverse to the privileges of this House, such a decision could destroy them? Or did they intend, that, in such a case, the Commons should carry the question, by writ of error, before the other House of Parliament and that they should humbly sue for their privileges at the bar of the House of Lords?

No persons could be so short sighted, as not to perceive, that whatever might be the decision of the King's Bench, it could not be final. It could not set the question at rest. The question must again be brought before the Lords, either by the House of Commons, or by those who resist its privileges. Perhaps it might be said, as in a former instance, that the Lords would be as careful of the privilege of the Commons as their own. On the contrary, it appeared from history, that it was from the other House of Parliament that the privileges of the Commons had experienced the most frequent and severe attacks; and if it should once become established, that the commitments of the House of Commons can, by appeal, be brought under the judicature of the Lords, the equality which has hitherto subsisted between these two branches of the legislature would be destroyed for ever, and the Commons would retain no privileges, but what the Lords should, by their judgments on different occasions, think proper to admit them to.

The only rule which could preserve the independence of each House of Parliament was that which the wisdom of our ancestors had established: "that each shall possess a separate, complete, and exclusive judicature, upon all matters affecting its own privileges."

This principle, which for ages had been the foundation and bulwark of privilege, the House was now advised to abandon. It was now invited to believe, that those privileges, without which it could not exist, might safely be allowed to rest altogether on the decision of the judges of the courts of law in Westminster-hall. From the respect which was due to the legal and constitutional knowledge of those high and distinguished magistrates, there could be little doubt, perhaps, that their opinions would be found favourable to the privileges of the House of Commons: yet could it be concealed, that men of great eminence in the profession of the law, persons who had already filled, and might again fill, the highest situations, had declared an adverse opinion? Suppose them upon the bench hereafter, and such a question brought before them, what must then be their judgment, and what would be the situation of the House under it. If the House allowed these actions to proceed, they must now determine, what step they would take, with respect to any judge who should deny their privilege of commitment. Would they impeach, and so submit the question, in another shape, to the judicature of the Lords; or would they be reduced to the necessity of committing the judge by their own authority? He had, himself, no doubt whatever, that if the House should be placed in such extreme difficulties, the latter would be the only course which it could be safe for them to pursue: and great as their reluctance must be to take such a step, it was fit that the House should be prepared to go this length, in order to meet those difficulties, which must unavoidably result from the course they were now pursuing.

Furthermore, he dreaded the precedent now sanctioned by the House, and its effect hereafter. The judges might affirm the present commitment by the House of Commons and yet might entertain a question and discussion of the grounds upon which such commitment had been made; and would they not thus establish a precedent for revising the decisions of the House, in questions of privilege, as effectually as if they should formally decide in favour of sir Francis Burdett? Should this once be established, the consequence was obvious; there would be a stop put to all the principal functions of the House. Its inquisitorial power would be set at defiance, when every witness who refused his attendance, or prevaricated in his evidence, might bring his action against the Speaker, and appeal to two other tribunals, either of whom might differ from the determination of the House, and thus annul its proceedings.

It had been triumphantly asked, whether the commitment of the Solicitor would be sufficient to stop the progress of the present actions? To this it was sufficient to answer, that the dread of such punishment had hitherto been found sufficient to prevent all persons from commencing, or being concerned in maintaining similar suits; and that it was somewhat early to say, that those measures which had always hitherto proved efficacious for the defence of our privileges, would, if now resorted to, be wholly insufficient.

He should, not, however, propose, that the House should now immediately proceed to commit the solicitor; for although he had already stated, that this would, in the first instance, have been the properest course, yet after passing over the original offence for so long a time, it might now appear harsh and severe to visit it with the most rigorous exercise of the power of the House. He should, therefore, move a resolution, similar to one which he found on the Journals of the 26th January 1703, declaring the commencement of any action, for acts done by the order of the House, to be a high breach of privilege; and afterwards another, stating sir Francis Burdett's actions against the Speaker and Serjeant to be of this description.

If, after the House had given this public notice, these actions should be further proceeded in, it would undoubtedly be necessary to commit every person concerned in carrying them on.

He felt himself here compelled to admit, that he had himself, though with extreme reluctance, consented to the resolution, permitting the Speaker and Serjeant to appear in the present actions. The only ground upon which he so consented was, that which is stated in the report of the Committee, viz. that it was expedient to bring under the knowledge of the court of King's Bench, upon record, the fact, that these actions were instituted, for the purpose of questioning acts done officially, under the authority of the House of Commons, and not in any individual capacity.

In adopting this resolution, the House had, perhaps, gone too far, but certainly to the utmost limits of safe and reasonable concession. The Speaker had pleaded, and the court was fully informed of the nature of the action. This then is the latest moment for the assertion of our privileges. What, then, is now to be done?

Recur to that principle, which governed the practice of your ancestors, the principle, that the proceedings of the House of Commons, in matters of privilege, shall not be questioned by any other tribunal.

For the preservation of this vital principle, new measures must be taken, if new measures are necessary: and who, in such a case, would hesitate to make a precedent, if it were true that none could be found.

Here, however, your own Journals will point out to you a course which has been repeatedly pursued in former times, by which the House had cancelled proceedings derogatory to its dignity or privileges.

He referred to the cases of lord Newburgh, in 1669; the Middlesex justices, in 1716; the commitment of the messenger by the lord mayor, in 1771: in all of which the House had ordered the records of the inferior courts to be laid on the table, and had directed the obnoxious proceedings to be there taken off the file, and destroyed.

It was an additional recommendation of this mode of acting that it obviated all possibility of contest with the court of King's Bench; though even the certainty of such a contest would not be a consideration to deter him from any steps, which might be necessary for the preservation of privilege.

Many persons there were, however, who thought that these measures were indeed the proper course, but not the most prudent; that they were too strong for the present moment; and that we should now conciliate.

The opportunity, however, of giving weight to these considerations, seemed to have been suffered to go by. As soon as the original complaint made to the House had been adopted by it, the country could not be deceived by any pretences to conciliation; nor would they have attributed such a conduct to any other motive, but those of unworthy cowardice.

Was it likely, that those persons could be conciliated, who had directed their attacks against the House of Commons, simply because they thought that, at the present moment, this was more valuable than either of the other branches of the legislature? They would laugh to see the House affect moderation, by abandoning what for ages, had been its only guard and defence.

It was much the same sort of pledge of conciliation and peace, which a great country was formerly called upon to give to its enemies, by surrendering the whole of its fleet. The moment of conflict was not that for concession, even if concession were, on other grounds, advisable, instead of being ruinous and destructive. If the House wished to be respected by the reflecting part of the community, it must respect itself. The House of Lords and the court of King's Bench could not defend it, if it wanted courage to vindicate its own rights. These were times, when it was necessary to rise above the dread of temporary unpopularity. The House should recollect the great man, whose loss they all had so lately deplored, who pursued his course firm and undeviating, frequently in direct opposition to the prevailing clamour; who, when the spirit of the nation was sunk to the lowest ebb of degradation, when the populace had actually drawn in triumph a French general through the streets of London, had stood forward, almost alone, and raised their spirits by his own. To the stand then made by that illustrious person, and the small phalanx which rallied round him, it was to be attributed, that the ancient fortitude of the country was restored; that during seven years of war which had since occurred we had heard of no petitions for peace, no unmanly complaints of the heavy and unparalleled burthens which it had been necessary to impose.

Were his lamented friend now here, it would have been unnecessary for any other person to have brought forward this question. To imitate the strain of eloquence with which he would have enforced it, the felicity of illustration with which he would have adorned it, was impossible; but to emulate his determination and intrepidity was in the power of every one, and he trusted that his spirit would this night hover over them, and inspire their decisions.

For himself, whatever might be the determination of the House, he was desirous to be able to state to his constituents, that he had endeavoured to his utmost to preserve uninjured and unimpaired, those privileges, which they had entrusted to his hands, which he felt to be the privileges not of that House only, but those of all the Commons of England.—He concluded by moving the following Resolutions: —"1. That whoever shall presume to "commence or prosecute any action, indictment, or prosecution, against any "person for acts done in obedience to the "orders of this House, such person and "persons, and all attornies, solicitors, "counsellors, and serjeants at law, soliciting, prosecuting, or pleading in any such "case, are guilty of a high breach of the "privilege of this House.

"2. That it appears to this House, that "the actions commenced by sir Francis "Burdett, baronet, against the right hon. "Charles Abbot, Speaker of this House, "and against Francis John Colman, esq., "Serjeant at Arms attending this House, "are for acts done in obedience to the "orders of this House.

"3. That the proper officer of the court "of King's Bench do to-morrow attend "this House with all records and proceedings in the said actions."

The *Chancellor of the Exchequer* rose to oppose it, he could not see the necessity of it, and contended that it would be a very inconsistent proceeding after the House had agreed to plead, to punish those persons concerned in prosecuting that action to which they had resolved to plead. With respect to what had fallen from his learned friend, as to the alleged embarrassment in which the House would be placed in the assertion of their privileges, if the judges decided against their privileges, he did not see why the learned gent. should go out of the way, and presume that the court of King's Bench would not do justice; it was a presumption on which they had no right to argue; in case, however, that justice should not be done, a presumption which he repeated it was by no means fair to make, still in that case he knew of no precedent where the House committed a chief judge for such a decision, he being at the time of committal a judge. If lord chief justice Ellenborough should decide contrary—

Mr. *C. W. Wynn.* He is a peer.

The *Chancellor of the Exchequer.* A peer! exclaims the hon. gent. irregularly across the table; but, whether or no, if his lordship or other judges should decide contrary to the law of the land, he presumed, that the proper mode to remedy that violation of the duties of their station would be by impeachment. There was no instance of a chief justice being committed who was a lord of parliament, nor of a judge who was so at the time he was committed. He would infinitely prefer the impeachment of a judge for exceeding the line of his duty, to the measure of committing him, to the stoppage of all the law business of the court in which he presided. The hon. gent. would then say, but where was the impeachment to be tried? It must be tried before the House of Lords, and then they are to decide on the privileges of the House of Commons. The House ought not to make an assumption that the tribunals would act contrary to the law of the land. Having taken their course, and in part authorized the attorney general to plead, if the hon. gent. would wish to proceed in a contrary direction, he should go higher, and move to rescind the resolutions, for he was now endeavouring to overturn all that has been done. He hoped to have seen a right hon. gent. sitting near the hon. mover (Mr. Ponsonby) who on a former occasion entered most fully into this subject, and came to a decision, that the House ought to adopt no other course than what is now pursued. Had that right hon. gent. been present, he must, consistently with his former speech, have opposed the present motion. He conceived that the House should do no more than it had done, in the present session. As to any impression of fear or timidity, they must recollect that they had been before accused of rashness; he however apprehended that they had acted consistently throughout. The best way was for the House not to take the question in its own hands, but bring it under the consideration of another court.

Mr. *Adam* observed, that though his right hon. friend (Mr. Ponsonby) now absent from sickness in his family, had said that the Speaker ought to be permitted to plead, he had, at the same time, maintained that something ought to be entered on the records of the House to maintain its privileges. Mr. Adam added, that Mr. Perceval had on a former occasion (viz. when the Second Report of the Committee was brought up) insisted that Mr. Ponsonby had pledged himself, in his speech, to support the propriety of the course taken: to this, Mr. Adam had replied, that Mr. Ponsonby was likewise on that occasion absent; that Mr. Adam had afterwards thought it proper to state to Mr. Ponsonby privately, the allegation of Mr. Perceval, when Mr. Ponsonby, in consequence of that statement, told him (Mr. Adam), that on the occasion referred to, he (Mr. Ponsonby) had expressed (as he entertained) a clear decided opinion, that an assertion of the privilege should be made in the first instance, though it might become necessary to authorize the Speaker to appear and plead.—Mr. Adam contended, that as the Journals now stood, the privileges of the House appeared to be abandoned. An action brought had been ordered to be defended; this, standing by itself, would justify the presumption that an action would lie, and the privileges of the House would be rooted up. The ordinary business of the House could hardly proceed if the Speaker were thus to be liable to perpetual processes.—Consider, Sir, (he said), that there is not a day passes, in which, according to this admission as it appears upon the Journals, and by the course which has been taken, in which you are not liable to actions for the warrants issued by the order of the House.—Mr. Adam then adverted to the alleged analogy of the proceeding by writ of Habeas Corpus. He said it was an *ex-parte* proceeding—a writ of right (in this case not under the statute, but at common law) of which the House could have no notice till the judge had remanded the prisoner in consequence of his commitment by the Commons. Was this to be compared with an action against the Speaker, with a formal notice served on the Speaker, which had been entered on the Journals—the first time that such a thing had ever happened? After admitting that the courts below might incidentally decide on the privileges of the House, as in case of murder ensuing, or other injury, he said that the whole matter amounted to this: a notice of an action against the Speaker had been delivered to the Speaker; no entry had been made on the Journals that this was a breach of privilege; but the first and only step had been to declare, that, as an action had been brought, it must be defended. Could any interpretation be put upon that transaction, when unaccompanied with any proceeding to ascertain or enforce the privileges of the House, especially in after-ages, but that which he had put upon it?—It was to avoid this conclusion, that he had uniformly and invariably pressed, that the ancient course should be followed, when privilege had been violated before the statute called lord Onslow's act, by actions brought against members, viz. that the person serving the writ should be brought to the bar, that the measure taken should be an assertion of their privilege, and that resolutions in support of their privilege should be entered in the votes. If this was usual and necessary in ordinary cases, how much more so was it, that some proceeding should be taken for making it known to all the world, that they had asserted that this unprecedented case of action against the Speaker and the Serjeant for executing the orders of the House were breaches of privilege? Could this be allowed to stand on the speeches of members?—Was it enough that the speech of his right hon. friend now absent (Mr. Ponsonby), eloquent and conclusive as his speech was—that the speech of his learned friend near him (sir A. Pigott), containing the most powerful, sound, and manly doctrine, could be reckoned upon as recording the privilege, and as an antidote to the order to appear and plead? These were the opinions of able, authoritative, and respectable members. But the other was the act of the House. The last remained of record, the former died away and were forgotten.—Mr. Adam said, he had very often, perhaps too often, troubled the House on this subject. It was not his inclination to have done so. It was cast upon him. Had this case of privilege not occurred, he said, his voice would have been rarely heard in the course of the session: but having formed an opinion, he felt himself bound to state it originally; and having stated it, it was a duty which he owed both to himself and the House, to maintain his consistency and the correctness of his original opinion. He had not been a party to the original cause of the question; for he had not been present on any one occasion respecting the commitment of Mr. Gale Jones, nor till notice was given by Mr. Lethbridge of the motion which that gentleman made: that he had then joined in it from duty, not from any satisfaction it could afford him. It could be no satisfaction to him (he said), to express difference of opinion with a learned friend of his (sir S. Romilly), whose talents and learning he respected, and whose friendship he had the happiness to enjoy. It could be no pleasure to him to debate with his hon. friend near him (Mr. Whitbread), whose friendship he enjoyed, and whose talents and integrity he so highly esteemed. It could be no motive with him to support a doctrine which aided, or might be thought to aid, an administration, whose existence he thought incompatible with the safety of the country. What then could excite him to the line he had taken, but an imperative sense of duty, in support of an ancient, a necessary, and most important constitutional power; which had never for centuries been violated as it has now; and certainly never abandoned, as it has now been abandoned? If on the day on which it was moved to commit Mr. Gale Jones; if on the day on which Mr. Brand moved an adjournment for a week, and the right hon. gent. (Mr. Perceval), first violently opposed it, and afterwards tamely acquiesced in it; if on the day on which he (Mr. Adam) moved to supersede the commitment of sir F. Burdett by a reprimand; if on any of these occasions any person had ventured to suggest that the Speaker would have been directed to appear and plead to an action, did any one doubt that such a person would have been considered as vilifying the House, and would have been cried down as an enemy to its privileges? And yet in less than two months the House had done so, and had not suggested one word, or done one act, or recorded one sentence, to counteract the effect of this measure. On the contrary, the right hon. gent. (Mr. Perceval), argued strenuously, that the House should not do any such act now; and had resisted all entreaties from him (Mr. Adam), formerly to that effect.—The same right hon. gent. besides referring to the proceedings on writs of Habeas Corpus, had forced the case of Mr. Reeves into the question as a case in favour of his argument.—Mr. Adam said, the case of Reeves was quite different from the present.—His offence was both a breach of privilege and a misdemeanor, and the House thought it right to order him to be prosecuted for the latter. But the present breach of privilege had no such double character. It was a single act, constituting a breach of privilege, but not a misdemeanor, or capable of being prosecuted as such. The option, besides, in that case, was necessarily in favour of the prosecution, for Mr. Reeves was not identified by the proof to be the author; and in a case where a man of education had defamed the constitution by stating the power and privileges of this House to be the mere result of the permission of the crown, it would have been both inadequate and disgraceful to have prosecuted the publisher or printer. —Mr. Adam said, he was aware that the first resolution (and he confined himself to the first, as the only question then before the House, and the only one he approved), would have come with much more propriety before than after the order to plead. But he was clear that it was fit that some resolution should be come to, in order to cure the present deplorable state of the transaction; that such a proceeding was not, according to his notion, inconsistent with the resolution to appear and plead; and would not, if well understood, be termed an interruption to the course of justice: that he viewed this proceeding to appear and plead, as a mode of giving notice to the court and to all mankind; that the House had given such notice in different ways; that they gave notice by their votes, which was, in law, a notice to all the world; that they had, on some occasions, given notice by special publication separate from the votes: that they had (as in the case of Ashby *v.* White, in 1704) affixed their resolution on the gate of Westminster hall: that on the present occasion, they had not done any of these things; but had ordered the Speaker to appear and plead. That the order to appear must be understood to be to enable the Speaker to plead, as he could not plead without appearing, and the order to plead must be considered as the means of putting the privilege on record, and so giving notice to the court, that the bringing the action was a breach of privilege. But the defect of the course adopted, according to his view of it, was, that it did not, and could not, appear on the Journals; but, on the contrary, what appeared on the Journals, was destructive of the privilege;—while, on the other hand, the first resolution, which was entirely prospective, was not inconsistent with what appeared on their Journals; and that they would thus save their privileges by reference.—Mr. Adam, in addition to what he had said on other occasions, repeated, that the exertion of the power of the House to support their privileges, had in all preceding time been sufficient to assert and secure them, much short of interference with the judges; that, however, he could not help remarking, that the suggestion of Mr. Perceval, that, (if any proceeding was taken as to the judges) it was better to impeach than commit, held out an alternative equally objectionable, as it submitted the privileges of the House of Commons to the judgment of the House of Lords. He said, the whole matter, and all that had been done from the rejection of his proposal to reprimand, had given him great pain; as it operated a complete change in the constitution; which till now was clearly understood to be, that the proceedings of this House could be questioned no where out of this House; that in the zeal and ardour which he felt to support this doctrine, he had exerted himself on the great question;—that it was bad taste to quote one's self, but he could not help recollecting that his earnestness on that occasion to support the privileges of the House of Commons, had made him conclude, in the emphatic language of father Paul, *esto perpetua!* and now, in two little months from that period, he had the mortification to find, that they were, according to the proceedings as they appeared on the Journals, already at an end. To save this, he earnestly entreated that Mr. Wynn's first Resolution might be recorded.

The *Solicitor General* supported the arguments of the Chancellor of the Exchequer, contended, that it was discretionary with the House, whether to exercise its authority or not, and that the analogy of the Habeas Corpus writ was strictly in point. As to the alleged difference of notice, it was a mere trifling evasion, as all the country knew of these things. Before this resolution was offered, the hon. gent. ought to have proposed to expunge all the former proceedings of the House on this subject.

Earl *Temple* rose for the purpose of entering his solemn protest against the extraordinary doctrine which admitted in that House the jurisdiction of inferior courts. It was an act of suicide, a sort of digging of their own graves, a promulgation of laws, by which in the end their own privileges were to be oppressed and overpowered! It was the more necessary for him to enter this protest, when he considered that the doctrine had the sanction of those men with whom he generally acted. If it had emanated from a minisconfidence in the affections and true interests of the people of Ireland, to which experience had most amply testified they were entitled. Mr. Moore said the several members who had before opposed this bill, acting on the same principles, were of the same opinion with himself, and were resolved to persevere in throwing it out if possible.

The *Chancellor of the Exchequer* postponed the third till Wednesday.

[ROBBERIES PREVENTION BILL.] Sir *S. Romilly*, in rising to move that the third reading of the bill for the better preventing of robbery in navigable rivers, should stand for Wednesday, had no intention of pressing the third reading on that day, should there then be a great deal of other business before the House. He begged to avail himself of the present opportunity however, to say a few words on the nature of the present bill. It stood on totally different grounds from the other two bills which had been introduced by him, one of which had passed that House. The act which he now sought to have repealed, was an act of the other day. It had not antiquity to support it, but was passed at the end of the last reign, previous to which the offence was not esteemed as of a capital nature, and even since the passing of the statute in question, it had never been acted on so far as he (sir S. Romilly) had been able to discover. He could not forbear noticing what he understood had been stated in another place, on the subject of the bill which had passed that House for preventing privately stealing in shops. It had been urged as an argument against that bill, that the effect of a similar bill, introduced by him two sessions ago, to prevent privately stealing from the person, had been to occasion an enormous increase of that offence. In this statement he could by no means agree. It would, indeed, be extraordinary, that so sudden an effect should be produced by the repeal of an act, which, for many years, might have been considered as almost a dead letter. But it had also been stated, from the same high authority, that privately stealing in the shop had also greatly increased of late. Might not the same cause then, have operated to occasion the increase in both? Or was it fair to attribute the increase in the offence of stealing from the person, to the repeal of the act punishing that crime capitally, while it was seen, that the offence of stealing in the shop had increased in an equal proportion, while the act rendering it also a capital felony remained in force? The real fact seemed to be, not that the offence itself had increased, but that prosecutions had increased, and this might naturally be accounted for, from considering, that persons who might be unwilling to prosecute when they knew the offence would subject the person guilty to the sentence of death, would feel infinitely less reluctance in contributing to the attainment of the ends of justice, when satisfied that the punishment was of a limited nature, and more adequate to the nature of the offence committed. In Prussia, when by a deduction of the fees of lawyers, &c. the obtaining of justice was rendered more easy to the subjects of that country, it was alledged, that this had only led to an increase of law suits, without producing any good effect. But was this the fact? Surely not. Wrong had previously existed, but it had existed uncomplained of, because of the difficulty of procuring redress. A stronger proof of the good effect likely to result from the alteration in the law which he proposed, he presumed to think, could not be figured, than that it tended to check offences by adding to the certainty of prosecution and consequently of punishment. It had been stated that the judges were averse to the alteration he proposed. No person could more highly respect the judges of the land than he did. But on a question, what the law ought to be, not what it was, he could not conceive this as a conclusive argument against any measure which might be proposed. It had even been insinuated as if he (sir Samuel Romilly) felt a disregard for the ancient and established laws of the country. He really confessed himself astonished at such an insinuation. It must seem wonderful, indeed, if he who had passed his whole life in the study and practice of those laws, and, who, if he possessed any stake or reputation in the country, owed it all to the skill and knowledge he had acquired in the practice of them, could be capable of disregarding those laws, or of not holding them in merited veneration. That he did see in those laws some defects, however, which he wished to redress, he presumed to think, instead of being imputable to him as a crime, would be a proof how highly he regarded them as a whole, and how anxious he was to see them as perfect as possible. He should now move, that the bill for preventing robberies in navigable rivers, be read a third time on Wednesday, but if that should be found inconvenient he should then postpone it till Thursday; and if it should appear that there was no prospect of the bill passing through both Houses during the present session, he should not press the third reading even on Thursday.

HOUSE OF LORDS.

Wednesday, June 13.

[STATE OF THE NATION.] Earl *Grey* rose and addressed their lordships to the following effect:

My lords; The great and rapidly increasing difficulties with which this country is surrounded; the measures of his Majesty's ministers, obviously tending as I think in no degree to alleviate the pressure of those difficulties, but calculated rather to aggravate the common danger; my apprehension of the prospect before us; the still more alarming and fatal consequences which we have to dread from the course of past proceedings, if the aspect of our affairs does not materially and promptly change; these combined considerations have made me extremely anxious, even at this advanced period of the session, before we separate for the summer, to bring into discussion the whole situation of this country, not only in so far as respects our foreign interests, but with regard to those circumstances which immediately bear upon our domestic tranquillity. I am induced to this undertaking in the hope, that your lordships will see the absolute necessity of offering to your Sovereign your advice in a crisis so extraordinary and alarming. It would, indeed, be an act of the highest presumption, if I were to set up my individual opinion against the collective judgment of your lordships, either by placing it in opposition to past decisions, or holding it forth as the guide for your future conduct. For if I could be persuaded that in the present state of affairs, your lordships saw no grounds for apprehension—nothing to excite your fears, or to demand your utmost vigilance; if I could bring myself to believe that in the midst of dangers such as I have adverted to, you still were of opinion, that the conduct of his Majesty's ministers was calculated to diminish them; if I could assure myself that it was your conscientious and deliberate conviction, that the composition of the present administration was such as the exigencies of the time demand—that it discovered no signs of deficiency in the wisdom and energy so imperatively required by the nature of public events—that the measures of the government had been only counteracted by such obstacles as human prudence could neither foresee nor controul—believe me, my lords, under that persuasion, I should not on this day have ventured to importune you with any proposition of mine. I could not hope to be successful in such a course; and with so many and such strong reasons, forbidding the attempt, I should only be disposed to question the soundness of my own judgment. But I cannot prevail upon myself to think that such are either the opinions or the feelings of your lordships. It would ill become me—indeed it would be inconsistent with a due respect for this House, were I to suppose, that in the various discussions which have taken place since parliament was assembled, the votes of your lordships were not given in the belief that you were discharging the duty you owed to your country, in the most conscientious manner. I can however easily conceive, that, impressed with a sense of the peril of the times, appalled by the numberless and perplexing difficulties of the country, many of your lordships were influenced by a strong apprehension, that an opposite conduct to that you pursued, might considerably multiply and aggravate the distresses of the empire; that you dreaded, lest the dangers in which we were involved, might be augmented in their extent, and accelerated in their calamitous results, by such a recorded disapprobation of the measures of government, as might lead, at a moment like the present, to a change in the councils of the state; and I can imagine that the influence of such feelings induced you to support measures, from the general character and effect of which, you could not have derived much satisfaction. Without supposing the existence of an influence such as I have described, how else shall we be able to account (except on grounds which I should indeed be most unwilling to impute to your lordships,) for the extraordinary appearances exhibited during the session, now drawing so near its close? How else shall we account for the continued existence of an administration, so generally reprobated, so lost to all public confidence, so degraded in the estimation of the country, that although within these walls they have met a general support, sufficient to maintain them in office, yet it is scarcely possible in any other place to meet an individual, and certainly not any considerable number of persons, who are not active and loud in complaining of their total inadequacy to discharge the important duties which they owe to the state? Under the impression then, that the genuine feelings of your lordships are not at variance with the universal conviction of the country; and accounting for your apparent support of ministers upon the supposition of feelings, which however venial to a certain degree, would, if pushed to an unlimited extent, be highly criminal and endanger the safety of the country—under this impression, I say, I have felt it my duty (however little encouraged by the experience of the present session) to call your serious attention to those causes, which in my mind have produced the dangers that press upon us in this emergency, and to the policy which it is incumbent upon us to adopt, in order that we may be enabled effectually to meet, and ultimately to surmount them.

In undertaking this task, my lords, I do assure you, that I have been much more impelled by the strength of my feelings, as to the critical situation of the country, than by any confidence in the extent of my own powers. That diffidence which I must ever feel in submitting to the consideration of your lordships, any great political proposition, is, as I approach the contemplation of the question which I now intend to discuss, considerably increased,—increased by the importance and variety of the subjects which it embraces, and still more increased upon my being upon this day deprived of the personal support and co-operation of a noble friend of mine, (lord Grenville,) whose absence is occasioned by the continuance of that indisposition which we all lament. To his wisdom and experience, to his judgment and his learning, to his ability and eloquence, I had looked to supply those deficiencies of mine, which I fear will be but too apparent before I conclude. But although unfortunately deprived of that assistance which the talents and eloquence of my noble friend are so well calculated to afford, I have, however, the great consolation to communicate to your lordships, that I feel fully fortified in my own opinion by knowing that it completely accords with his declared sentiments; that I have the satisfaction of being sanctioned in the course I am now pursuing, by his high authority; and that the specific motion with which I shall have the honour of concluding, both in the principles upon which it rests, and the objects to which it points, has his sincere, unqualified, expressed concurrence. After these preliminary observations, I shall now proceed to lay before your lordships in detail those most important matters to which it is my duty this day to solicit your attention.

My lords, in directing our minds to the difficulties under which the country at this moment labours, we are in the first place naturally urged to advert to the amount of the public expenditure—an expenditure which has been carried in the course of the last seventeen years of war from a sum of sixteen to no less than eighty-five millions a year. Looking to that exorbitant and monstrous increase—considering the appalling taxation necessary to supply such an expenditure, and the sources from which the supply to meet it is provided—considering the severe and vexatious means by which that supply is collected—means so grievous and oppressive, that they are at this moment the subject of universal complaint—but above all, keeping fully in our recollection the awful statement made by those most intimately conversant with such matters, namely, that in this country, taxation has arrived at a height beyond which it could not well be carried—that it has been extended almost to its fullest reach, and that it has nearly attained its utmost limits—looking, I say, my lords, at these combined and depressing difficulties, we are naturally led to the inference that what the country stands most in need of is repose. It cannot be a subject of astonishment, that after seventeen years of unremitting sacrifices—during that calamitous period of protracted warfare, (for I cannot bring myself to call by the name of peace, that short and feverish pause, which continued for one year after the treaty of Amiens' it cannot be surprizing, that after such a period of sufferings the country should at length find itself much in want of a cessation of hostilities. But I fear, my lords, that by the measures which have been pursued, and the consequences which have resulted from the system of its policy, this country has been brought into a situation that does not allow the acquisition of that relief to depend upon ourselves. I fear, that from the causes I have stated, we are reduced to the dilemma, either that the attempt on our part, to open the door to a negociation, would not conduce to the attainment of our object, or that if that object was attainable, it would be unaccompanied with those essential securities, which alone could render it really valuable. If I saw in the conduct of his Majesty's ministers any indisposition to avail themselves of such opportunities as may present themselves for restoring the blessings of peace—attended with those prospects and safeguards, which constitute the true character of peace—there would be no man more forward than myself to urge the adoption of a better policy. But believing, that any such proposition originating with this country, would be viewed by the enemy only as a proof of our weakness and our fears—that it would tend rather to remove than to approximate the great object itself; and having no disposition to presume any unwillingness in his Majesty's ministers to avail themselves of the first favourable opening for negociation, although I most strongly feel that their conduct has been such, as almost to remove from us every hope of this kind; with such impressions, it cannot be necessary to urge your lordships to interfere upon a question which does not seem likely to come under the consideration of the government.

My lords, in stating to this House, my view of the difficulties which, under the present circumstances of the world, I feel to stand between us, and those blessings which would result from the cessation of war, I am aware of the predicament in which I am placed. I can have no wish to indulge an irritating language, which by exciting feelings of reciprocal acrimony between us and our enemy, might tend to foment the spirit of hostility, and still farther to prolong the miseries of the contest. But, instructed as I have been in the moral duties of society, and educated under a free government, I hope to be allowed credit for all those feelings, which a just consideration of many of the acts of the extraordinary person, who stands at the head of the French government, must necessarily have excited; and, though so many remarkable circumstances attending his astonishing career, have contributed to make it, at least as to military greatness, unequalled in history, yet I can never consent to merge in the splendour of the achievements of him who is now the master not only of France but of Europe, all recollection of the means by which he has raised himself to the unparalleled eminence on which he now stands—means, which it is impossible not to lament and to condemn. No, my lords, unrivalled as is his military glory, my admiration of it shall never be indulged at the expence of my moral feelings; while, on the other hand, I am tenacious of avoiding any course, tending to encourage those impulses of nature, which might unnecessarily embitter and prolong the contest between this country and France, after so many years of devastation and of blood. But, when we look to such a subject as this, we must view it with the eyes of statesmen. We must take into our consideration the circumstances in which our own country exists, the powers we possess, and compare them with the character, disposition, and energies of the nation to which we are opposed. Pursuing such a course, it is impossible, my lords, when I consider that he who now sits exulting over the spoils of prostrate Europe, is checked in his hopes of universal dominion, and retarded in his progress to a more extended despotism, by the power, resistance, and resources of this country alone; it is, I say, impossible not to believe him impelled by all those influences, which sway the human heart, to look to the overthrow and destruction of Great Britain, as his fixed, his most desirable object, as that in which all his passions are concentrated, and to which all his designs are directed. This object is the sole aim of his policy; whether in war or in peace. To the latter, whenever our enemy may incline to make it, we must only look, as to a period during which he may with more security pursue his plans against the freedom, independence and existence of this country. It would be folly and infatuation for us to act under any other conviction, or with any other prospect. Let me not, however, be understood as the enemy to peace; for peace, substantial peace, when it can be concluded with honour and with safety, no voice shall be raised higher than mine.

I know it may be said that the same arguments which I have advanced against the probability of peace at this moment, would also apply to France under its ancient government, inasmuch as the like inveterate hostility prevailed in equal force under its former dynasty; and that such objections are not only adverse to peace, at one particular period, but tend to support the eternal duration of war. The justice of the latter inference I must disclaim; but, admitting that great animosity did exist against this country, under the old monarchy of France; admitting that it entertained and acted upon similar views of aggrandizement and dominion, I call upon your lordships to consider how many circumstances of change in the relative condition of the two countries are now to be estimated; to contemplate what a tremendous alteration has taken place, if not in the dispositions of the French government, yet certainly in the energies of its people and in the extent of power, to bring those energies into action. France is now sole mistress of the continent; that dominion for which in the reign of Louis 14th, she so actively but ineffectually struggled, she has now acquired. The independence of Europe is lost; the balance of power is destroyed. The military greatness and character of Russia, Austria and Prussia, are annihilated; incapable any longer to oppose, they have become wholly subservient to the interests and wishes of France, whose ruler, at the head of a nation situated the best of all continental countries for offensive operations, distributes at his will the nations of Germany and Italy to recruit his numerous armies, at the same time that he holds at his disposal the resources of all those maritime powers, who, in former times, had even disputed with ourselves the empire of the seas. Before peace can arrive, before it will be possible for us to make any sober estimate of the terms upon which it may be possible to accept it, I much fear it will become our duty to contemplate the great accession of power and resources, which France will derive from her subjugation of the peninsula of Spain. What is the inference from the whole? It is this; that, looking at the situation of France, at the extent of its hostile means; considering the spirit by which it is directed, the power it has obtained, together with the character of its government, its ruler, as I before stated, not at the head of France but of Europe; contemplating all these things, to what can we look? To nothing, my lords, calculated to insure safety, but the conviction that it is upon ourselves, and ourselves alone, we are to depend. We must conduct the war in such a manner as not to fear a failure of resources. We must conduct it in a manner which shall leave us under no apprehension for the result of that event, against which we ought to be prepared; I mean, that invasion, of which, neither the solemn obligations of treaties, nor the servile dependence of tributary vassalage, can prevent the attempt. How incumbent, then, is it on us, my lords, to adopt that wise system of policy, which shall enable us to support the most protracted warfare, in order to secure our independence, threatened by the war, but scarcely less threatened by the probable dangers of peace itself! And what policy better calculated to resist the most formidable danger with which the liberties of any country were ever menaced, than the provident system of husbanding our resources? This vital policy, I lament to say, has not been pursued by the present advisers of the crown; this was the policy once so reviled, of the administration to which they succeeded; of that administration whose great crime it was that they did not, during the single year they were in office, redeem the country from the great and various difficulties which had been accumulating under the management of their predecessors. With the existence of that ministry all those principles of prudent government, which regulated their conduct, and which the course of events rendered imperative, ceased to be respected. The country was precipitated into a system directly the reverse; a system, whose first fruits we are now reaping in distress and in dishonour, but of whose ultimate operation no human sagacity can foresee the extent or the mischiefs. From that moment commenced the reign of vigour, the merits of whose policy are to be traced in those fatal expeditions which have exhausted the resources of the country, and covered our national character with disgrace. The noble earl opposite (lord Liverpool) on a former occasion, observed with that vague and general phraseology which he delights in, that this comparative question, on the merits of a political system, was not to be argued on one side as a question of economy, or on the other as one of extravagance; but that the propriety of one or the other must be determined by the circumstances and situation of the country; and that the system to be preferred, was that most likely to bring the contest in which the country is involved, to a successful termination. Most truly that is the question, and I cannot hesitate to go to issue with the noble earl on that point. I would ask him to state whether, after having made his experiment, after having pursued his system of vigour, he finds his progress accelerated to that successful termination? I ask him to acquaint your lordships, whether that object has been advanced by his expeditions, so unwisely planned and shamefully conducted, so totally defective in every thing, with respect to place, time, and circumstance, that it was absolutely impossible they could lead to any other result than has attended them; a result which the country is at this moment bewailing and weeping in tears of blood? Had his Majesty's ministers given to the state of Europe that consideration which a sound and salutary policy would have recommended, had they been affected by its almost total subjection, it was impossible that they should not be convinced that all the probabilities of success were in contradiction to the course they ventured to pursue. They must have been struck with the folly and the ruin of embarking in military operations against France, at a time when there was no power in existence to give them an effectual co-operation.

With such a wide field before me, it is however not my intention, my lords, to review all those various and disastrous measures which have exhausted not one only, but repeated debates in this House. But as I have not availed myself of any former opportunity, when the question of the Spanish campaign was discussed, I cannot help referring to the conduct of the ministers in the prosecution of that war. And here, I beg leave to assure your lordships, that there was no man who subscribed more absolutely than I did to the feelings of the noble marquis (Wellesley) which he on a former evening so eloquently expressed, for the purpose of inducing this House to persevere in its support to Spain; the hopes of no man were more alive to that great cause than mine were; no one was more mortified by the result. But I cannot concede to the sentiments of the noble marquis, the inference which his declarations assumed, that in order to warrant this country to embark in a military co-operation with Spain, nothing more was necessary than to shew that her cause was just. In my mind, my lords, in passing judgment upon such a policy, it was not enough that the attack of France upon the Spanish nation was unprincipled, perfidious, and cruel; that the resistance of Spain was dictated by every principle, and sanctioned by every motive honourable to human nature; that it made every English heart burn with a holy zeal to lend its assistance against the oppressor: there were other considerations, of a less brilliant and enthusiastic, but not less necessary and commanding nature, which should have preceded the determination of putting to hazard the most valuable interests of the country. It is not, my lords, with nations as with individuals. Those heroic virtues, which shed a lustre upon individual man, must in their application to the conduct of nations be chastened by reflections of a more cautious and calculating cast. That generous magnanimity and high-minded disinterestedness, proud distinctions of national virtue, (and happy are the people whom they characterize!) which when exercised at the risque of every personal interest, in the prospect of every danger, at the sacrifice even of life itself, justly immortalize the hero, cannot and ought not to be considered justifiable motives of political action, because nations cannot afford to be chivalrous and romantic. Before they engage in any enterprize which is to be supported by the exertions and the energies of the people, it is the duty of the government to see, first, that there exist the means of rendering them effectual; secondly, that there is a sufficient policy to warrant the application of the means; and, lastly, that there are grounds of probability to induce a hope of success. It is only by an attention to such preliminary considerations as I have stated, that the affairs of nations can be prosperously or even safely conducted. It is because of the entire neglect of them, that I charge his Majesty's government with improvidence, and attribute to them all those national calamities and disgraces which are the natural effects of such incapacity. In submitting my opinions on the Spanish question last year, I then contended, as my noble friend also did, in opening the debate upon his motion, a few days ago, that before we embarked an army with the view of assisting the war in Spain, we should have felt the necessity of ascertaining whether there was a government in Spain, capable of affording such efficient support to the dispositions of the people, and to our efforts for their assistance, as was likely to bring the contest to a successful termination. It was incumbent upon us to be informed whether there existed resources sufficient to supply a British army with those necessary provisions, without which no military operation could have been expected to prove successful. We should have duly considered whether we were not liable to be left without the required support, by being treated as principals in the war; and whether, in fact, Spain herself was not destitute of these means, without which no war can be carried on. The positive disregard of all those necessary enquiries so discernible in the conduct of his Majesty's ministers, but which men of sound sense would have considered indispensable, furnishes additional reasons for pronouncing that conduct to be highly reprehensible. Last year it was fully evident, and I need not now go into any detail upon the subject, that before the advance of sir John Moore and his army into Spain, his Majesty's ministers had no account whatever of the state of that country. After the experience of that unfortunate campaign, what but the most positive proofs of the probability of success, should have induced them to risque another army in the same country, in the prosecution of similar operations? Yet, without any proofs whatever to justify the most moderate hopes of success,—with the history of their recent expedition staring them in the face, and loudly forbidding the pursuit, his Majesty's ministers risqued another army at the expence of enormous treasures, and the sacrifice of your best blood, only to purchase misfortune, calamity and disgrace!

These, my lords, are the grounds of my objection to the policy they have pursued. I allege it as a matter of charge against them, that they have indulged feelings, which however honourable, when considered abstractedly, ought never to be gratified at the expence of a nation's most valuable interests;—that in yielding to the influence of such feelings, they have rashly embarked in expeditions the most fatal and disastrous, and from which it was impossible to anticipate or effect any advantageous result to the country;—that they have done this too, in contradiction to that husbanding and preserving system rendered vitally necessary by the exorbitant growth of our expenditure; and without a strict attention to which it is impossible, my lords, to hope that our resources will enable us to meet the momentous dangers with which the country is threatened. Against these charges, his Majesty's ministers have powerfully grounded their defence upon the many dangers to be apprehended from the successful subjugation of Spain by France, and the increased power of the enemy which must result from that event. In answer—I ask, are these dangers diminished by their ill-judged policy? Is the power of Buonaparté lessened since we engaged in that warfare? Is the power of France reduced below what it was, when this country embarked in a military co-operation with the Spanish people? I much fear, my lords, that the contrary will be felt. I apprehend that the power of our enemy and the dangers which we dreaded, have since materially increased; while we have to meet that extended power and those augmented difficulties with impaired resources and diminished strength. If this be a true statement of the facts, (and too true I fear it is) does it not fully justify me, in charging his Majesty's government with a line of conduct contrary to that which a true policy pointed out, and which the circumstances of the country imperiously laid down.

Leaving the conduct of the war, respecting which much more might be said, the next point to which I beg the attention of your lordships is the policy which has been observed by his Majesty's ministers, with respect to those few powers, who were unconnected with France, and whom it should have been our object to have assisted or conciliated. It is not my intention to enter upon the history of their fatal attack upon the honour and independence of Denmark; neither am I inclined to argue now, whether that kingdom would probably have fallen under the controul of France, or to enquire whether that event was likely to be prevented by our having forfeited all character of national justice. But I ever shall contend, that by such a forfeiture of our moral character by that act of atrocious violence, we excited the rancorous hostility of that power, and created an enemy much more formidable than it ever could have become, by its unwilling acquiescence in the dictation of France. Sicily, my lords, is also a connection upon which I do not wish to dilate. Our relations with that power are of considerable delicacy; and from all I know of the policy pursued by his Majesty's government, I have reason to think it has not been such as the situation of affairs required, or calculated for the security of that country. I fear it is left in a situation of danger, from which if a different system be not quickly adopted, it will be impossible to rescue it; that without such change, in defiance of our maritime superiority—notwithstanding our military and pecuniary assistance, by which we have hitherto secured the independence of that country, we may with a lamentable certainty portend its fall under the sway and dominion of France. But, in reviewing this branch of our policy, I am most anxious to direct your consideration to the situation of another, and the only remaining neutral power, with which the re-establishment of the relations of commerce and amity ought to have been your great object; I mean America. My complaint against his Majesty's government upon this point is, that they have not only overlooked all that ought to have formed the object of our most anxious solicitude, namely, an amicable arrangement with the neutral power, whom it was most our interest to conciliate, and who was most capable of resisting the attacks of France; but that all their measures have had the very opposite tendency. It is impossible now to enter at large upon a subject that had occupied not only many debates but almost the whole of a former session. We who were opposed to the system pursued by his Majesty's ministers, contended that it would be productive of most serious disadvantages. We predicted its ruinous consequences when it was first proposed, and the opinion then entertained by us, we have since found no reason to relinquish. We have been since told, that the trade of the country has not suffered by the orders in council, or at least not in the proportion and to the extent that we anticipated. Can his Majesty's ministers state, that our trade has been supported by an adherence to those orders in council? Can they tell us that although those orders were carried into the fullest and most active execution, yet the disadvantages attributed to them by their opponents did not follow? They would not be justified in such a statement; they know that the reason of our trade not being injured in the proportion we predicted, was because his Majesty's government were compelled to depart from their own system; and exactly proportioned to that departure was the diminution of injury to the commerce of the country, and the failure of the predictions alluded to. Their system could only be justified upon two grounds; either to compel the enemy to repeal his decrees against our commerce, or to prevent American navigation from engrossing the whole of our foreign European trade. With regard to the first point, I now may be allowed to recal to your lordships recollection the arguments of his Majesty's ministers, when they introduced their extended system. "That change," they contended, "was necessary because the original modified order of the 7th of January, issued during the administration of their predecessors, had failed in its effect, inasmuch as it had not compelled the French ruler to repeal his decrees."—I ask your lordships to try their system by the same criterion. Has the ruler of France, even under its operation, relaxed his measures, or repealed his decrees? Has he shewn any disposition to do so? Have you not, in order to supply the wants of this country, in articles of the first necessity which he was willing to afford, been obliged to enter into a species of compromise, by which he suspended the partial operation of his decrees, while you departed from the letter and the spirit of your own orders? With respect to the navigation of America, was it not plain that under existing circumstances, no foreign European trade could be carried on, except under a flag that was neutral? The only neutral power in the world was America. In this view what has been the result of your policy? It is this, that your orders in council have gone directly to destroy the only neutral power, not under the dominion of your enemy; and the consequence has been, that the trade once carried on to your advantage by America, and with which you could not dispense, is now transferred to other flags belonging to European powers, completely under the dominion of France, and wholly subservient to the wishes and interests of its ruler. Looking to the conduct of that great political and military genius, the effect seems to correspond with a deep laid design. We seem to have given effect to his object. American navigation could not be dangerous to us. It was impossible for him to avail himself of American seamen to man the fleets of France. They might indeed be serviceable to us, by their employment in British ships under the prospect of being likely at some future time to return to their country. But between this country and America there can be no ground for apprehension that the seamen of the latter could ever be made available to the objects of France. Between us and them the only question that could occur is one of commercial profit and loss; but by the effect of excluding America, we have transferred the trade to a foreign flag, covering the trade and navigation by the subjects of foreign and European states, completely at the will and disposal of Buonaparté; establishing a formidable nursery of seamen to equip his navies whenever he may feel the necessity of carrying such a speculation into effect. You have given him the very thing he wanted, when he talked of "ships, colonies, and commerce." In order, my lords, to convince you of the extent to which this evil is carried, I have only to refer you to the returns upon this subject laid before parliament. By these papers it appears that in the year 1807, there were engaged in the European trade, of British seamen 42,587, and of foreign European seamen, 46,152. In 1809 the numbers of British seamen were reduced more than one half, viz. to 19,600, while that of foreign Europeans amounted to 43,000. We then resorted to the expedient of extending licences, which in 1806 amounted to 1,200, and the last year to no less than 15,000, and thus we gained a comparative extension of trade; which made the number of British seamen employed in the European trade in the year 1810, amount to 34,837, while that of foreign European seamen thus engaged, was 58,476. It must therefore be evident to your lordships, that the operation of your orders in council (notwithstanding the reprehensible expedient of granting licenses) has produced the diminution from the year 1807 to 1810, of the number of your own seamen employed in the European trade, to the amount of 7,750, while in the same period it has increased that of foreigners, by 12,324. How, I would ask, are these men employed? They are employed in the navigation of the seas of Europe, in the navigation of your own coasts, in conducting innumerable vessels along your own shores. It is this description of force, that like panders to the ambition of your enemy, you are rearing to enable him more effectually to consummate his plans of hostility against your country—it is a force, that has grown in the same proportion that you have extended your visionary projects in mercantile legislation, and its creation is the genuine result of your commercial war. Thus much I say—as to the effect to be produced upon your naval power; but the evil does not stop here. This trade is carried on by licences; it has consequently fallen under the direct controul of the executive government; a system inconsistent with the true principles of a free government; for what more fatal source of influence can be conceived?—A system, than which there can be nothing more adverse to the free spirit of commercial enterprize; for what more dangerous principle,—what arrangement more surely fatal to trade and more inveterately hostile to its whole spirit, than to vest in the government of the time a power to withhold or to grant the power of trafficking,—to restrict, or to extend, according to its pleasure or caprice, or according to official interests, the speculations and the adventures of your merchants? But perhaps I may be told, that in the distribution there has been neither a partial permission nor improper refusal. I must say that I have heard of instances which induce me to believe the contrary. But I want no such instances to excite my most serious apprehensions—to persuade me that the practice in question is infinitely liable to the worst of abuses—to call forth my most strenuous opposition to such a system—convinced that its obvious tendency is to undermine and subvert those principles, upon which the mercantile greatness of this country, the pure administration of our government, and the stability and security of the British constitution, as well as of British commerce mainly stand. I do therefore protest against such a dangerous power, productive as it has been of such injurious effects, and calculated to produce much greater evils, being any longer vested in the hands of his Majesty's ministers.

Much more might be said, but I hasten to other subjects. I have, my lords, stated to you the impolicy and improvidence of his Majesty's government, in profusely squandering the blood and resources of the country, not only without advantage, but with no other acquisition than national calamity and disgrace. In my view of their policy with foreign powers, I felt occasion to advert to the opportunities they have neglected, and the mischiefs they have produced. Proceeding to a consideration of their domestic policy, I lament to say there is no cause for approbation, although one would have supposed that having by their failures and disgraces added so largely to the extraordinary expenditure of the country, they would, at least, have devised some systematic arrangement of finance to provide for the increased expence. We had a debate on this subject the other night, when two of my noble friends near me (lords Lauderdale and Lansdowne) urged with their usual ability and information the impolicy and improvidence of the system of finance, (if system it could be called) adopted by his Majesty's ministers.

They pointed out, by a reference to the last three years, the practical illustrations of that improvident expenditure, which has exceeded by between eight and ten millions annually, the united scale of expence of the last administration—that administration which was so reviled by their political adversaries for a sordid economy, destructive, as they alleged, to the character of the country, and little consistent, it was said, with its permanent prosperity. Yet his Majesty's ministers never thought it necessary to take one single step to provide for the excess created by their own mismanaged operations. This has been met by temporary expedients—expedients as little suited to the permanent prosperity of the country, as the expenditure itself was adapted to the state of its resources. In the year 1807, the first year of their administration, the minister who had the care of the finances, carried into effect the financial arrangements of his predecessor so far as it served his purpose; that is, he charged the interest of 12 millions upon the war taxes, without adopting the other remedial parts of the system of my noble friend. In the following year, 1806, we find the resources raised by a variety of means. The committee of finance procured for them from the bank, an advance without interest of 3,500,000*l.* by which the loan wanted for the year was reduced to 8,000,000*l.* and the charge for interest, sinking fund and management amounted to 729,000*l.* To meet this charge, the chancellor of the Exchequer availed himself of the following means:

From the Bank, as a reduction from what they had previously received for the management of the national debt..............................	£. 65,000
Annuities charged on the consolidated fund, which had fallen in, amounting to......	375,000
In all	£. 440,000

There then remained of the provision for the year to be raised by new taxes, 289,000*l.* for which he provided by the very novel and ingenious expedient of an increased per centage on the assessed taxes, and increasing the stamp duties to the amount of 290,000*l.* In 1809 he defrayed the charges of the year by once more, but to an unheard-of amount, breaking in upon the war taxes, having made them answerable for the interest and sinking fund on the loans, amounting to 1,040,000*l.* This was an enormous departure from the system adopted and persevered in with so much difficulty, of raising taxes within the year to meet the annual expences, and of reducing, as much as possible, the amount of the annual loans. In the present year, 1810, the interest on the loan, amounting to 970,000*l.* has been charged on the consolidated fund, without any new provision whatever being made to meet it. This the Chancellor of the Exchequer has attempted to justify on the grounds of the great produce of the stamp duties imposed in the year 1808, beyond the sum for which they were then taken. Such a principle has never before been acted upon, although, in point of fact, a similar increase of produce has often occurred without any one instance of such an application as the present, since the consolidated fund was established in 1786. And, my lords, the strong and unanswerable objection which a right hon. friend of mine made to such an application, is, that the public creditor has a right to the whole security, because the interest of all stock created by any loan, being charged upon the consolidated fund generally, the surplus of any one duty should go to make up the deficiency of another. For instance, on the 5th of January 1810, when the taxes imposed in 1808 gave a surplus, the taxes imposed in 1805 and 1806, leave a deficiency; or, taking the statement with the whole of the charge, for the present year included, it will stand thus, viz.

Charge on the consolidated fund for seven years, ending 5th of January, 1810..........	£. 7,258,450
Produce of taxes raised to meet the same..............	8,545,729
Surplus overcharged on the 7 years..........................	1,287,279
Deduct the charge of this year, as provision made for the new loan	970,000
There will remain a surplus of no more than..................	317,279

Is this a wise system for his Majesty's government to act upon, in their financial arrangements? Ought they to depend upon the produce of a year of much extraordinary revenue, not calculated upon by the chancellor of the exchequer himself to be permanent? Indeed the arrears of the assessed taxes alone, collected this year, amounted to above 500,000*l.* What have they to expect, when in a future year such temporary sources of supply fail, but that we must experience a deficiency in the means to provide for the expenditure? Is not this a justifiable cause for the interference of your lordships? Is it not a sufficient motive to inquire fully into the state of your resources; and vigilantly to guard against measures having such a direct tendency as I have described? My lords, I say it is impossible to expect ultimate safety, unless the resources of this country are rescued from such improvidence and mismanagement. I entreat you then seriously to look into the consequences of the present wasteful expedients, and to consider what under the present circumstances of the world you would have to provide for, even in a year of peace. The funds which go to meet your peace establishment, consist of the surplus of the consolidated fund, added to the annual duties, formerly called the land and malt taxes. Taking the surplus of the consolidated fund at five millions, and the annual duties at three, those, with the lottery, constitute the whole fund to meet your peace establishment. Now it has been estimated by those best able to form a judgment upon the subject, that the establishment upon a peace could not be less than fifteen millions, and as your proper funds would not afford more than 8,500,000*l.* your means would be less than your expenditure, by at least 6,500,000*l.*; and for this large deficiency you would have to provide by an addition to your permanent taxes. My lords, taking this view of the subject, is it not an additional reason for calling upon your lordships to give some check to ministers persevering in such a destructive course? Does it not become necessary to take a view of the difficulties in which they have placed the country, and to compel those entrusted with the administration of public affairs to determine upon some permanent system of finance, calculated to avoid any anticipation of our remaining resources, without making provision for difficulties actually foreseen?

The next subject to which I would call your lordships' attention, is one not yielding in importance to any of the former points to which I have adverted. It is to the present state of your circulation. I was one of that committee which was appointed on the stoppage of the Bank; I can give it no other name. Although a member of that committee which recommended what was called a restriction on the Bank, with regard to its payment in specie, I certainly differed from the majority on that subject. I did conceive, notwithstanding the great stress laid upon the difficulty of the situation in which the bank was placed, that it would be more advisable to submit to any extremity, rather than proceed to the adoption of a measure, so novel in this great commercial country, and so utterly irreconcileable with all the maxims and habits of the people. The committee were, however, of a different opinion, and their proposition was sanctioned by a resolution of the House of Commons. Upon that occasion I argued against the expediency of such a measure, to meet the evil of that day. I did express my fears, that the pernicious effects of that proposition would be, to extend the circulation of paper so far, that its depreciation would follow, and with it the great and numerous difficulties connected with the remedy of such an evil. My apprehensions have been unhappily realized; the evil I dreaded has actually arrived; and yet not a single step has been taken by his Majesty's government, upon a question involving such delicate and momentous interests. If at the time the restriction was originally adopted, any one had talked of its continuance, for three or even two years, the supposition would have been considered extravagance itself; the very mention of the thought would have alarmed the whole country; but what is the fact? It has now continued for 13 years, and though within that interval there was one year of peace, yet up to the present period nothing has been done by ministers, towards any arrangement, calculated to put an end to a system of circulation, which was at first only introduced on the ground that it was not intended to be permanent. It is true, that the question has been taken up in the other House of Parliament, and from the talents, and research of a learned friend of mine, with whom the measure of appointing that committee originated, I entertain hopes of deriving much valuable information upon the subject; still I ask your lordships to consider whether the subject is not of such sufficient, such pressing importance, to demand your immediate interference. The inconvenience resulting from your depreciated paper circulation is universally felt. It has been felt in the rates of exchange with foreign countries, in the great increase in the price of bullion, and I have the authority of his Majesty's ministers for asserting, that it has been grievously felt, in conducting the operations of war. Those operations, my lords, which the very introduction of this restriction act (short-sighted policy) was intended to assist and to facilitate, have been by this very measure, as is confessed by his Majesty's government, crippled and confounded. This is a subject to which the consideration of parliament ought to be speedily and seriously directed. What the suitable remedies are, it is not so easy to divine; but I have no hesitation in stating my opinion that you ought now, without delay, to provide the means of bringing back the bank, within such time as it may be done without great inconvenience, or danger to the country, to that system which is alone consistent with a free circulation, and without which trade cannot be supported—I mean the system of paying its notes on demand in cash.

Connected with our domestic situation there are many other points of considerable importance.—There is one subject in particular, which has been recently brought under the consideration of this House; the decision of parliament with respect to which I cannot too deeply deplore:—I need hardly say, that I allude to the question upon the petition of the Roman Catholics. I will not enlarge upon the merits of a question, which has so lately been discussed, but I ever shall contend, that if you would preserve this country from the many dangers which surround it—if you would secure it from the meditated attack with which it is menaced, the sure and salutary means of arriving at so desirable an end, are by conciliation, and by placing a just confidence in every description of the king's subjects; by uniting the hearts and hands of all classes of the people, in the defence of their common country.

The noble marquis in the blue ribband, (lord Wellesley) when exhorting your lordships on a former debate, to persevere in the prosecution of the war in Portugal and Spain, dwelt largely on the danger that would threaten this country, and upon the facilities afforded to the enemy in his designs of invasion if France should effect the conquest of that peninsula. But he particularly entreated your lordships to contemplate what might be the situation of Ireland under such a state of things. I also entreat him and you, my lords, to bestow your most serious attention upon the state of Ireland, not indeed with the view of continuing your armies in Spain and Portugal; but for the purpose of strengthening your most exposed and most vulnerable points at home. It is true, I fear, that France will possess, and, shortly too, a point, from which the most formidable attack may be directed against the shores of Ireland. Let us then, my lords, before it be too late, provide for it that best security, that chief defence, more impregnable than fortifications and navies.—I mean the cordial attachment and combined energies of its whole people. Of your successful resistance to the attempts of your enemy, there would then, indeed, be little ground for doubt or apprehension. With this persuasion, I do confidently hope that notwithstanding the recent decision, this great question will yet be taken up by your lordships. I am indeed far from thinking that what is called Catholic emancipation, would be alone sufficient to eradicate the many political evils engendered during six hundred years of unvarying misgovernment. Would to God that a single act of Parliament could possess that power, and at once remove from Ireland all grounds of complaint, and all pretexts of disaffection! But though other measures besides concession to the Catholics, are necessary to the amelioration and prosperity of the Irish people, let that be the first and preliminary step in your progress to conciliation; make it the point from which you take your departure, to accomplish the great work of healing the divisions of the empire; and from which, believe me, you will proceed with feelings of renovated hope and recruited strength. Then will it be fully in your power to apply your consideration to other circumstances of domestic policy, such as the amelioration of the tythe system, the diffusion of education, measures of which that country stands much in need. By adopting such a line of policy, you would make Ireland, now the source of your alarm, and object of your anxiety, not only adequate to its own defence against every attack, but actually competent to furnish the means of supporting the war, in whatever quarter the exigency of affairs might render your increased exertions necessary.

In the discharge of my public duty, I have this night, my lords, arraigned his Majesty's ministers, for pursuing a line of conduct respecting the operations of the war, and the external difficulties we experience, wholly the reverse of that which the situation of this country and the circumstances of the world rendered absolutely necessary. Not less widely different from true wisdom and sound policy has been their marked inattention to the just complaints of the people; their indifference to the public solicitude, for a timely and salutary reform, not merely in matters of expenditure, but of those abuses in our political system which the lapse of time and the inroads of corruption have produced.

I have stated to your lordships, the amount of expence incurred only in your financial measures, and undoubtedly it is by bringing these great branches of the public service within such limits as are consistent with the public safety, that any great saving can be expected. In the present situation of this country, much may indeed be done by the suppression of useless unnecessary offices, by the limitation of great lucrative ones, where no duty is performed by the person in possession, but of course I speak not of interfering with offices conferred for services previously rendered. Much remains and ought to be done both to satisfy the public, and to guard the government from the pernicious effects of an influence which is too rapidly spreading abroad. It is not to be denied that considerable savings may be made without inconvenience to the public; although I can by no means encourage the prevalent delusion, that any very great alleviation of the public burthens would follow the extinction of such offices; but what can be done with propriety ought to be done without delay. I am anxious to be fairly understood upon this subject. I am not one of those who will flatter the people by asserting that every office of this kind ought to be swept away and wholly destroyed. I am prepared to admit that the whole amount of savings from this quarter, as compared with the national expence, would not be considerable. I am ready to go further, and admit the necessity and policy of some such fund, existing to reward great and meritorious public services? and that the right of distributing its fruits should be solely vested in the crown. What would be the effect of a contrary policy? I am really ashamed to trespass upon your lordships' attention, by further enlarging on a topic so well understood by this House; but from what we are daily in the habit of hearing on this subject, I am desirous of speaking out plainly. Can it, I ask, be useful or advantageous to the public; can it be an economy consistent with the due administration of the government, which by confining all the necessary business of the state to persons of large independent private fortunes,—persons from the nature and habits of mankind not to be supposed always the best qualified to discharge such great and various duties,—would exclude from office and merited emolument, men of the most transcendant endowments, with integrity and abilities peculiarly suited to promote the interest and perpetuate the glory of their country? Select the proudest periods of your history, when the character of this country, in arms and in policy, appeared most conspicuous, and you will find that the most distinguished persons in the direction of its concerns, were men, who by the exercise of their splendid talents, had risen from comparative obscurity in life to the most elevated situations; combining the honour and prosperity of the country with their own individual exaltation. Nor, indeed, have the people ever looked with disapprobation or with envy at the rewards or successes of such illustrious characters. Who that viewed the manors and domains of Burleigh, ever beheld with unpleasing recollections that monument of national gratitude, to that best of ministers in the most glorious of reigns! If the crown should be deprived of the power to reward great and eminent public service; if the most brilliant and efficient talents, the most honourable ambition were thus exiled from the administration of public affairs, to whose hands would the important trusts and best interests of the country be committed? Either to persons of large private fortunes, not always the best qualified to superintend them, or to greedy and profligate adventurers, ready to remunerate themselves by their exactions, and their frauds, for the deprivation of that fund now constituted to reward great and meritorious claims. This proposition it is impossible to controvert; a contrary system would neither be dictated by justice, policy, nor even by common sense. It would expose the country to the ridicule of the world. But at the same time, my lords, that I feel the absolute necessity of preserving such a fund at the disposal of the crown, I am also most anxious that it should be limited in its amount, and regulated in its object; that it should be guarded by wholesome restrictions from misapplication and abuse; but above all, that any obnoxious instance of its being misapplied, where the abuse was flagrant, and consequent discontent propagated, should be immediately visited with condign censure. The interests and feelings of the public require this course; and though I am the last man disposed to solicit your lordships to yield to any unreasonable clamour abroad, yet under the pressure of their burthens, and with the sacrifices which the people are called upon to make, I consider it the duty of your lordships to spare their feelings, and consult their ease in those respects, as well as in larger and more important savings. An economy of this kind will produce the most advantageous effects; it will tend to allay that disposition to complaint which is so generally gone abroad. In that point of view alone its benefits would be incalculable.

There is connected with this subject another to which I wish to call the attention of your lordships. I am not disposed to go the length of those fanciful theorists, respecting all the evils which they pretend to discover in the practice of the government, or to deny the legitimate influence of the crown to a certain extent. I would state, however, that it should be limited within due bounds, in order to produce the advantages to be derived from its beneficial exercise. Those certain and necessary limits, it is my firm persuasion the influence of the government has, of late years, very considerably exceeded. We recently had a discussion upon the subject of reversions, when it was contended by a noble viscount, upon the authority of a pamphlet, written by a member of the other House, that such influence had not increased. The opinion I then resisted, and my subsequent reflections have confirmed me in the propriety of the opposition. I am most unwilling to trouble you with the details; but is it possible to imagine or contend, that with an annual expenditure, increased from sixteen millions to eighty-five millions—with such immense public establishments, both at home and abroad, employing so much labour, and exerting so much patronage,—that with the extension of your power and dominion in India, from recent territorial acquisitions, and of colonial possessions in every part of the globe, there has not also been created a corresponding influence, by your increase of civil, naval, and military servants; when in addition to all these you consider the vast number of persons, in consequence of your augmented expenditure, employed in the necessary labours of collecting the revenues, is it, I say, possible, that under all these combined circumstances, men can be found who not only deny the increase of this influence to an excess heretofore unknown, but actually to assert that it has not at all increased? Firmly believing that it has increased, not only beyond all bounds, but beyond all calculation, I maintain that in addition to other motives of economy, where a reduction can be fairly made, it ought to be made, as well to secure the other branches of the constitution against such an overgrown power in the executive, as to give satisfaction to the agitated feelings of the people. Upon all these grounds it is that I wish the wisdom and vigilance of parliament to be directed to the promotion of an economical system in our financial arrangements, and to the diminution of an influence which has exceeded its legitimate limits, in a manner most dangerous to the liberties of the people. In recommending the reformation which I feel it incumbent upon parliament to carry into effect, it is my particular object to have it taken up on a systematic view of the subject. And here I have to lament that his Majesty's ministers have not themselves seen the necessity of recommending such objects to the consideration of your lordships,—that they, whose first duty it was, have not formed a system suited to the exigencies of the times. But in this, as in every other instance, we see exhibited that fatal policy, that blind and criminal infatuation, which has not only neglected every practicable remedy to relieve the people from unnecessary expence and galling irritation, by reducing large and insulting emoluments, but which has induced his Majesty's government to resist and spurn every proposition of redress, and uniformly to defend and to encourage every species of abuse. Not satisfied even with this reprehensible course, but as if with the intention of exasperating the irritated mind of the public, almost reduced to despair, offices of this description have been bestowed not only where no claims of public service justified the gift, but at the moment when the very object of ministerial favour was the subject of great jealousy and of general animadversion with the people. It is unnecessary to allude more particularly to the person I mean, for I am sure your lordships will agree with me, that he had no claim upon the gratitude of his country which his public services could justify. Indeed, if he possessed any claim on that score, it was for that sort of service which constitutes the strongest objection to the existence of such offices—I mean services performed in parliament. Here as in every other part of their conduct, his Majesty's ministers continued by their errors and their crimes to disgust the feelings of the country, and to make it the duty of your lordships to pronounce their condemnation.

Having stated thus much, I am prepared to go further. I have hitherto spoke of financial reform, and the reduction of needless offices: in my judgment, your lordships' duty does not stop here. You are, my lords, in the situation wherein it is incumbent upon us to look into these defects, which, having arisen through time, have injured the frame and corrupted the practice of our constitution, and to apply to the abuse such remedy as can be effected by a gradual, temperate and judicious reform, suited to the nature of the evil, the character of the government, and the principles of the constitution. I would not have ventured to make this avowal to your lordships, without much previous thought, and the most deliberate circumspection. The question of reform has long engaged my most serious contemplation. At an early period of my life, I certainly took up strong opinions upon this subject, and pursued them with all that eager hope and sanguine expectation, so natural to the ardour of youth. I will not say that there may not have arisen some difference between my present sentiments and former impressions; still I beg leave to assure your lordships, that the general opinions I then formed, I have not in my maturer age seen cause to change, and that whatever distinction exists between my early and my present views of reform, on its great grounds that question has not been abandoned by me. That a degree of difference exists between my present and former impressions is what I freely acknowledge; he, indeed, must have either been prematurely wise, or must have learned little by experience, who, after a lapse of twenty years, can look upon a subject of this nature, in all respects, precisely in the same light. But though I am disposed soberly and cautiously to estimate the principles of the constitution—though, perhaps, I do not see in the same high colouring the extent of the evil sought to be redressed; and am more doubtful as to the strength and certainty of the remedy recommended to be applied; still after as serious and dispassionate a consideration as I can give, to what I believe the most important question that can employ your lordships' attention, it is my conscientious opinion that much good would result from the adoption of the salutary principle of reform gradually applied to the correction of those existing abuses, to which the progress of time must have unavoidably given birth; taking especial care that the measures of reform to be pursued should be marked out by the constitution itself, and in no case exceed its wholesome limits. With respect to any specific proposition of reform of the other House of Parliament, I know not how to speak of it, fearful lest even in introducing the topic, I should transgress the bounds of that respect due to an integral branch of the legislature, and most particularly as the propriety of any proposition of this nature must rest upon the acknowledged imperfections of that branch, together with the abuses which have rendered it less strong as a barrier for the people, against the encroachments of power. But as nothing can be done on this subject without the concurrence of all the branches of the legislature; and as that which affects one branch concerns us all—as the question itself is of the highest importance to the nation at large, it is, my lords, of particular consequence even to so humble an individual as myself, that my opinion on this subject should not be misrepresented. I therefore am ready to declare my determination to abide by the sentiments I have before expressed; and that I am now, as I was formerly, the advocate of a temperate, gradual, judicious correction of those defects which time has introduced, and of those abuses in the constitution of the other House of Parliament, which give most scandal to the public, at the same time that they furnish designing men with a pretext for inflaming the minds of the multitude, only to mislead them from their true interest. To such a system I am a decided friend—wherever it shall be brought forward, from me it shall receive an anxious and sincere support. But as I never have, so I never will rest my ideas of salutary reform on the grounds of theoretic perfection. While I shall ever be ready to correct by the fixed principles of the constitution, an admitted inconvenience where that inconvenience is practically felt, I continue to disapprove of all those general and vague speculations in which some men would wish to engage.

It was an objection formerly urged, and which has of late by certain persons been revived against many of the best parts of our constitution, and particularly against the powers and privileges of the respective branches of the legislature, that they are not to be found enacted in any statute, or created by any written document; but what such persons advance as an objection to the practice of the constitution, I have ever considered as one of its greatest perfections. To this conviction I have been led, by all that I have learned from the highest authorities, authorities alas! with whose presence and instruction we shall no more be enlightened; but whose talents, wisdom, and constitutional learning, we all acknowledge and revere. It is the folly and presumption of the present day to adopt a contrary doctrine—to decry every thing that is not defined by statute—to deny all authority to any usage growing out of the principles of the constitution, if it happens not to be expressly supported by written law. Nor is it now for the first time that such dangerous errors have been propagated in this country by mischievous or misguided men; similar objections were once before urged, though from other quarters, against the powers of parliament, and led in their turn to the triumph of persons, who were equally enemies of all powers and privileges, in whichever branch of the legislature they might be vested—persons whose objections are of a truly radical nature, and go against the existence of all authority and controul whatever, except that which their own hands have usurped. I need not remind your lordships that these political heresies plunged the country into universal anarchy, and had well nigh subjected it for ever to an arbitrary government. Happily by its own inherent powers the constitution recovered itself, and gradually established and assigned to its various branches, rights peculiar to each but necessary to the preservation of all, which in the harmony and co-operation of all its powers, have been found to give the best practical effect to its principles, and to lead directly to that system of efficient government best adapted to the spirit and happiness of a free people. If, my lords, any consideration more than another could confirm me in the validity of this doctrine, it would be the concurrent opinion of that great statesman, by whom it is the pride of my life to have been instructed and informed in the early part of my political career, I mean Mr. Fox, whose views respecting reform I had frequent opportunities of ascertaining in the course of many debates; and than whom there never existed one who more fully understood the principles or more affectionately appreciated the blessings of the venerable constitution under which he lived. If, in his political creed, there was one article which he held more stedfastly than another, it was that while a system was practically good he would always abstain from mending it by theories. And never, my lords, can I forget his powerful observations, when in his place in parliament, he stated his conviction of the absolute impossibility of providing for all the variety of human events, by any previous speculative plans: For, said he, I think, that if a number of the wisest, ablest, and most virtuous men that ever adorned and improved human life, were collected together and seated round a table to devise *à priori*, a constitution for a state, it is my persuasion, that notwithstanding all their ability and virtue, they would not succeed in adapting a system to the purposes required, but must necessarily leave it to be fitted by great alterations in the practice, and many deviations from the original design. And this opinion he was wont to illustrate by the familiar but apt example of building a house, which, notwithstanding all the study and consideration previously bestowed upon the plan, was never yet known to supply every want or to provide all the accommodations which in the subsequent occupation of it were found to be necessary. Nay, he used to remark, that however fine to look at a regular paper plan might be, no house was so commodious and so habitable as one which was built from time to time, piece-meal, and without any regular design. To those principles of practical reform, so wisely enforced by that great statesman, I am determined to adhere; and the acquiescence of your lordships, it is my duty also to solicit; again repeating that the remedy I seek, shall be limited by the existing defects, shall be marked by the constitution itself, and not launch out into any extravagance of theory, which even appearances may recommend.

My lords, this is no new opinion of

mine; for if your lordships will be pleased to lend your attention to any statement respecting so humble an individual as myself, I think it is in my power to prove to your satisfaction, that none other was ever entertained by me. It is necessary that I should go so far back as the year 1792, a period when such opinions were made the subject of more political heat and contention than at any subsequent time. At that period a society was formed to promote the cause of parliamentary reform, under the denomination of the Friends of the People; and of this society I had the honour to be a member. At that time the friends of the people both collectively and individually were exposed to much misrepresentation. We were subjected then, as it is my fate now, to have our motives and our conduct made the objects of great and unmerited obloquy. We were then held up to obloquy by the same description of persons, who now describe us as no sincere friends to reform, no real advocates for the rights of the people, because we were not prepared to support, what was then as it is now called, and most falsely called, a radical reform. These charges were communicated to the world in two declarations, published by a society formed at the same time, for the purpose of promoting constitutional information. In consequence of these charges, and in answer to some letters addressed to us by individuals, one of which was from major Cartwright, who took the same part then as he does now, and I believe, conscientiously, we felt it necessary to make a public declaration of the principles upon which we associated, and of the constitutional objects to which our exertions were directed. It was signed by my noble friend near me, (the duke of Bedford) then lord John Russell, and with your lordships permission, I will now proceed to read it.

"May 12, 1792. We profess not to entertain a wish 'that the great plans of public benefit which Mr. Paine has so powerfully recommended, should be carried into effect;' nor to amuse our fellow citizens with the magnificent promise of obtaining for them 'the rights of the people in their full extent,' the indefinite language of delusion, which, by opening unbounded prospects of political adventure, tends to destroy that public opinion, which is the support of all true governments, and to excite a spirit of innovation, of which no wisdom can foresee the effect, no skill divert the course. We view man as he is, the creature of habit as well as of reason. We think it therefore our bounden duty to propose no extreme changes, which, however specious in theory, can never be accomplished without violence to the settled opinions of mankind, nor attempted without endangering some of the most inestimable advantages we enjoy. We are convinced that the people bear a fixed attachment to the happy form of our government, and to the genuine principles of our constitution; these we cherish as the objects of such attention, not from any implicit reverence or habitual superstition, but as institutions best calculated to produce the happiness of man in civil society; and it is because we are convinced that abuses are undermining and corrupting them that we have associated for the preservation of those principles. We wish to reform the constitution because we wish to preserve it."

[We conclude by declining all further intercourse in these words.]

"We must beg leave to decline all future intercourse with a society whose views and objects, as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcileable with those real interests on which we profess to inform and enlighten the people."

These were my opinions in 1792; and I at this hour continue to maintain them. These were the opinions arraigned by a description of persons with whom I then disclaimed all intercourse. They are the opinions now censured and misrepresented by the very same men, with whom I still disclaim all intercourse or association. I do not impute motives to any of them, although I feel how uncharitably they have attributed my conduct to motives of the worst description; I accuse no man of bad intentions, although one should be disposed from recent exposures, and from the shameful conspiracies which every day is bringing to light, to think that some of those most active in vilifying the conduct of others, have themselves violated all those principles of honour and morality, which constitute the only sure basis of social life. Many of them, I sincerely believe, are actuated by no improper or unworthy motives, however they may have been imposed upon and misled; some I cannot altogether acquit. The path they are treading is dangerous in the extreme, and demands the most vigilant caution to prevent it from leading to a fatal termination. Whenever this great question shall be taken up by the people of this country seriously and affectionately—(for, notwithstanding all we every day hear, I doubt much whether there exists a very general disposition in favour of this measure,) there will then be a fair prospect of accomplishing it, in a manner consistent with the security of the constitution. But until the country shall have expressed its opinion upon this subject, the examples of the other nations of Europe should deter us from any precipitate attempt to hurry on to premature or violent operation, a measure on which the best interests of the nation so essentially depend. For myself, I beg leave to repeat, that when I feel it my duty to give my support to it, it is on those principles which I have before laid down; those principles depend on practical views, which have been approved by all the great and honest men, who have been heretofore favourable to the measure of a temperate reform. The reform that they wished, and which alone I will support, is that which amends, not that which would subvert, the constitution. The change which I desire to see effected by temperate and constitutional means, is one which has for its object the restoration not the ruin of the government. When I act, my lords, in this cause, it will be in opposition to men, who under the pretext of reform, would drive us into wild extravagant theories, wholly inconsistent with the fundamental principles of our system. I have dwelt thus long upon the subject, from my full conviction that to the success of a temperate reform, no impediment is calculated to have a more hostile influence than the attempt to force a reform by public clamour. Well would it be if government directing its views to the indispensable necessity of restoring the decayed energies of the constitution, should take up this great question with all that sound and statesmanlike caution, which it demands, and by moderate discussion, and seasonable relief, assuage the discontent which an opposite line of conduct has created in the public mind, and which I am afraid at this moment too generally prevails. In proportion as this question has been agitated by the public, I have been extremely desirous, that my opinions on it should be fully known; believing, as I sincerely do, that they are the only principles upon which reform can be effected, without endangering the constitution.

If, my lords, my anxiety to be fully understood upon the question of reform was great, it is not less so, upon another, affecting the privileges of both Houses of Parliament, and which is now so much the ground of popular agitation. I trust, my lords, that I shall not be supposed capable of doing any thing so improper, as to enter into the particular consideration of a question now depending for decision in another place; more particularly as it may eventually be submitted to the final judgment of your lordships. My only object in adverting to the subject generally is, to meet and to correct those pernicious errors which are industriously propagated out of doors, respecting the privileges of parliament. Those privileges must depend on their evident utility and the indispensable necessity of their existence. If they are not founded upon those two principles, their exercise is unjust as well as inexpedient, and they ought not to exist. But one instance of abuse cannot warrant the inference that they are generally injurious and unfit to be supported consistently with the constitution and the liberties of the people. I contend, on the other hand, that they rest upon their known utility, upon their being necessary for preserving that freedom of discussion and power of inquiry, without which parliament would be incapacitated from discharging its most important functions. It is on this broad principle that I form my judgment; and if like the common law, that invaluable source of all the people's blessings, it has its foundation in long usage, my opinion is strengthened, and my argument rendered invincible. All that is necessary for parliament is the power to protect themselves in the free uncontrouled discharge of their public duties: so far then as privileges are essential to that end, they must possess them, but no farther. They must have the power to prevent obstructions, to protect themselves from insult, and to enforce their decisions, should any resistance be made to their authority. Deprived of such power, what security has parliament, what security has the people for that just and unprejudiced discussion, for that freedom of deliberation, and for those ministerial functions on which, above all other privileges, our most valuable rights depend? Whatever privileges are requisite for those purposes, parliament *ex necessitate rei* must possess, or it must altogether cease to be that which the constitution intended. And though such powers should be carried to the extent of imprisoning persons guilty of a contempt of its authority, it must still be remembered, that it is exercised for the protection of the people, and the maintenance of public liberty. Against what obstructions, I ask, is it that the privileges of parliament are intended to provide? Is it not against the influence of the crown? Certainly, my lords; and there is no man who would go further than I would, in opposition to an unjustifiable exercise of that influence. But is it not possible for other persons to excite against parliament a popular indignation equally fatal to that uncontrouled discussion which constitutes its essence? If its deliberations may be interrupted by popular insult and commotion, as well as by royal encroachment; if its decisions can be made the subject of the most degrading calumnies, and wide extended slanders, is not the *civium ardor prava jubentium* as necessary to be resisted, as the unconstitutional invasion of the crown upon its freedom? In either case, I contend, parliament must possess a power commensurate to the evil, be exercised internally and separately by either House, without recurring to any other branch of the legislature. This, my lords, was the doctrine of our ancestors. This doctrine is the source from whence have sprung the numerous civil blessings which the people of this country beyond all other nations of the world enjoy. It is the doctrine which the best and ablest statesmen have uniformly held, since the Revolution. It is a doctrine which I have at all times maintained, and to which, I trust, I shall invariably adhere. I think it will be readily conceded to me that the Revolution saved this country from the intolerable scourge of arbitrary power. Whoever reflects upon the events of that glorious æra, and upon the conduct of the great men to whose exertions we are indebted for its success, a success which secured to us all our liberties, all our enjoyments, must be convinced that if the legislature had not then exercised those powers, now so thoughtlessly questioned, we should not at this day have had to debate in a House of Parliament, about the extent of our privileges, or the rights of the people as connected with them. But even in the present times, when it has become so much the fashion to vilify and defame all public men, this doctrine has been sanctioned by high and eminent authorities. That great statesman, Mr. Fox, than whom there never lived a more strenuous and sincere asserter of the people's rights—a more irreconcilable, a more bitter enemy of every species of oppression; whose knowledge of the constitution, and of constitutional law cannot be disputed, nay has not been questioned even by those ignorant demagogues who respect no man; he, in the clearest and most forcible language—it is enough to say in his own language—stated his opinion in the support of those undoubted privileges. His great political opponent, Mr. Pitt, never attempted to controvert this opinion, and it is therefore to be presumed that he held the same sentiments. Mr. Burke too, and other eminent men of the day maintained the like principles; and surely when we see so many high authorities, who differing on so many other subjects all concurred on this, it does not require even in this period of popular distrust, any violent exertion of charity, to conclude that they had not all conspired against the liberties of the people, and in support of parliamentary privileges, which were illegal and unconstitutional. It is an old and sound observation, that even laws not put in force, which have lain upon your statute-book as a dead letter, ought not to be repealed without serious deliberation, unless some practical inconvenience has resulted from their continuance; and that not unfrequently the moment of repeal has illustrated the wisdom of the enactment. This observation is not inapplicable to the privileges of parliament, which though they may be argued against, can never be properly valued, until, unhappily, their extinction shall take place, when the evils of the rash innovation would awfully prove the wisdom of our ancestors in claiming and asserting them. But, my lords, I will not rest my argument upon authorities however eminent and distinguished. It stands upon the broad basis I have already stated, of general utility, and the absolute necessity of such powers, in order to preserve to parliament the due exercise of those important functions, with which it is entrusted. I am aware, my lords, of all the popular arguments which have been employed, to excite in the public mind an aversion to the existence of those privileges, such as that no one ought to be judge in its own cause, that the individual was punished without trial, and that the party injured had no remedy or means of redress. My answer is, that those who thus argue against the powers of parliament, chuse to forget that a supreme power must exist somewhere, and must be inherent in some part of every constitution; that in any government there must be a point beyond which there is no appeal. The arguments which they apply to parliament, would go to an extent far beyond the wishes of those who use them, and would tend to the annihilation of some of the most valuable rights of the subject. For I ask, if upon such grounds parliament was to be dispossessed of its essential powers, if the abuse of a principle is to be perverted into an argument against its use, how could they, on the same reasoning, allow to the House of Commons the supreme command over the public purse; to your lordships, the supreme judicial power; to the crown, the more dangerous power of appointing to offices, and the sole and complete controul of our fleets and armies? Nay, my lords, upon such arguments, what would become of juries and their invaluable functions? And yet we find sir Francis Burdett, though the supporter of arguments that lead to the inference I have described, holding himself forth as a martyr in the same good old cause for which Hampden died in the field, and Sydney and Russel on the scaffold! No man, my lords, can entertain a more sincere veneration than I do for the names and memories of these undaunted patriots, who gloriously struggled, even to the sacrifice of life, to maintain the rights and liberties of their country; but a more unfortunate allusion than this, in my opinion, could not possibly be made. Sydney and Russel did not fall martyrs to their resistance of any stretch or undue exercise of the power or privileges of parliament; they were sacrificed through that corruption which did not allow parliament the power so necessary to controul one of the weakest and most wicked governments that ever existed. And of what instrument, of what branch of the constitution did that base government avail itself in order to destroy them? It was not parliament, my lords, but the verdict of a jury, that sent those illustrious patriots to their deaths,—of a jury influenced by the most base and profligate judges. It is very far from my wish, my lords, to detract in the least from that most valuable institution, the trial by jury; but let those who would argue from the abuse of a privilege or a power against the use of it consider to what an extent that argument may be carried. I have said so much to shew the futility of such doctrines, and to influence your lordships by a calm and impartial discussion of the question to dissipate the delusions which continue to prevail. In another of these popular arguments, it is asked, will you allow a power to the House of Commons, which is not possessed by the king? My lords, I answer—the king's functions do not require it; to the House of Commons it is essential for the due performance of its duties. The functions of the crown are those of benignity, favour and mercy; and it is impossible in their exercise to bring the monarch into such a conflict with the passions and prejudices of his people as would render such a power necessary. Besides, the king has other efficient securities. Another good reason why such powers were never annexed to the crown, is that the king is an individual, and that it would not be wise or safe to have given to any individual such a power, in addition to the sole command of the army, and the whole influence of the executive government. But with regard to parliament the case was widely different. Parliament has often to originate harsh measures; from it spring all the revenue laws; indeed all their ordinances are restraints upon the people, and as Mr. Burke observes, the very imposition of taxes brings them and the people into perpetual conflict with each other. But though severe and unpalatable, their measures are still necessary, and they ought to possess the means and power of protection, against any effort of popular discontent. Nor is this the only argument, although I feel it a sufficient one. I have before requested your lordships to recur to the glorious æra of the revolution. Reverting once more to the same period, can we forget the outrages of those violent mobs excited in support even of the doctrine of non-resistance, and for the purpose of over-awing the legislature? Not unfrequently have a deluded portion of the public been excited even by the ministers of the crown for similar purposes; and late occasions have shewn that the holy cause of religion may itself be pressed into such a service for the most mischievous of objects. The same power then may hereafter, as it has been heretofore, become necessary to protect parliament in the due discharge of its functions: and the question resolves itself into this shape—whether there is any great danger of this power being abused, and whether it has ever been exercised to the oppression of the nation? It has been unquestionably carried into practice in the best times of our history; although I am willing to admit, that there have been recent cases in which it would have been more wise and politic to forego its exercise. But I ask without fear, whether in the recollection of any one who hears me, this power was ever exerted oppressively to the nation; and I think it but justice to the different governments which within my knowledge have had the administration of public affairs, however I might have differed from them on great public subjects, to observe that they allowed as great a latitude of public discussion, and even of censure of parliamentary proceedings, as was compatible with the safety and interests of a state, in times of the greatest freedom. Could this lenient and forbearing practice have arisen from accident, or was it owing to particular individuals, or particular periods? Rather, my lords, should we attribute it to the result of a general principle, which was acted upon by all governments, and which was not liable to degenerate into abuse. The very constitution of parliament was as a security that the privileges inherent in it would not be abused to any oppressive extent. They were in the possession not of one individual but of numbers, who it is improbable to suppose would combine in a scheme to oppress the people. Such a power vested in the crown, might be often arbitrarily exercised; but as it is not likely that the members of this House would conspire together to abuse the power with which it is entrusted, it is still less probable, that the members of the House of Commons, who are elected by the people, and who to the people must return, would resolve together, arbitrarily or tyrannically, to exercise a privilege against the people, by which they themselves as members, or as a part of that people, were equally affected. But, even supposing such a conspiracy possible in contradiction to all these natural reasons, are there not powers of controul against such oppressive abuse, existing by the concurrent jurisdiction of both branches of the legislature; and ultimately in the power vested in the crown at once to terminate the abuse, by a dissolution of the parliament? The only danger of great oppression would arise from a combination of the three branches of the legislature: a state of things too monstrous to be contemplated, and which, if it ever existed, would amount to a dissolution of the compact between the government and the people. In all those views of the question, I am fully satisfied, and every man who will enquire into the subject must arrive at the same conviction, that there are as many checks and securities imposed against the abuse of the privilege as the nature of human affairs will permit.

Much more, my lords, might be said both on the theory and general principles connected with this subject, but I shall content myself with having stated enough to call your lordships'attention to it, and with creating that temperate discussion, which may dissipate the illusions now too prevalent. I have felt it necessary to pursue this line of duty, with the hope of bringing back, if possible, those who appear to entertain erroneous opinions upon the subject, to a more calm and moderate consideration of its nature, and to a sense of the consequences which might follow from the accomplishment of their own views. In taking this course, I am by no means insensible to the danger of misrepresentation which I incur, nor of the obloquy to which my motives and conduct will probably be exposed. I know how easy it would have been to have taken up the popular side of the question, and meanly to have courted popular applause at the expence of sincerity and principles. But such a line is little suited to the habits of my life, still less consistent with the feelings and principles by which my public conduct has been governed. I am not, however, ignorant of the degrading artifices by which this applause is acquired—artifices with which neither virtue nor talents have any connection—arts which men possessed of neither are best fitted to practise—men such as we have lived to see in the present day, who, renouncing the obligations of faith and honour, breaking through all the bonds and engagements that hold society together, have in their career of foul slander and dirty calumny, entirely set themselves above all the decencies of private life, above all the courtesies which those who really endeavour to discharge their duty willingly concede to their adversaries. For such arts and for those who have recourse to them, I shall ever feel a sovereign contempt; by me they can never be practised even to acquire the highest favours that my country could bestow. It is true I cannot but feel a deep regret if I should see myself deprived of my popularity by any misunderstanding of my views and objects on the part of the people. This is however a sacrifice which I am compelled to make in common with men in all ages much greater than I can ever hope to be. But, my lords, it excites my warmest indignation to be robbed of it through the basest misrepresentations and vilest delusions practised by men, who without any regard to truth sacrifice every virtuous and really patriotic object to the shouts of a vulgar clamour. Yet even to this mortification I can submit with patience; feeling that it is the result of a defect inherent in all free governments. It has indeed been truly said, that in the distribution of her favours, popularity is as blind and fickle as fortune. If it should follow my humble efforts in that pursuit which I feel alone compatible with mine own honour, and my country's interests, I would hail it as a most grateful proof of having faithfully discharged my duty; but if I am reduced to an alternative between popularity and freedom of thought and action, I cannot ever hesitate a moment what decision to make.

Laudo manentem—si celeres quatit,
Pennas, resigno quæ dedit, probamque
Pauperiem sine dote quæro.

Under every sacrifice I never could endure that hardest of all servitudes, that lowest of all degradations, that most despicable and abandoned of bad pursuits, the deep and inexpiable guilt of flattering the worst passions of a capricious multitude only to delude and betray them.

I have now, my lords, endeavoured to discharge what I felt to be an imperative duty. Much more might be said upon the various topics to which I have adverted. I might have said much on the state of the army, and the departure from that system which was the work of the great and accomplished statesman so lately removed from the affairs of this life. I might have said much on the disastrous campaigns in Europe, much on the affairs of India, but apprehensive that I have too long trespassed on your lordships' indulgence, I shall content myself with briefly recalling your attention to the points I have touched on. Of peace there is I am afraid but little prospect; but to restore its blessings, no favourable opportunity should be overlooked. Whilst war is indispensable let us have no failure in it, from a failure of our resources, but provide for all emergencies by the establishment of some stable system of finance. A free commerce, I have contended is essential to the interests and the prosperity of this country. Let us then endeavour to conciliate those neutral powers with whom any remaining intercourse can be carried on. Let us adopt promptly the best measures for re-establishing a free currency. The conciliation of all his Majesty's subjects, and particularly of his subjects in Ireland, is at this time more than ever necessary, firmly to unite all classes of the people, in defence of the dearest interests of the empire. Let this be an object of your most serious attention; together with such economical reforms as are consistent with the public service; and, lastly, a temperate and cautious but sincere reform of those abuses which have corrupted the frame of our constitution, and whose continuance have excited so much public reproach. Of the privileges and powers of parliament, I have given a decided opinion, conceiving as I do that they are inherent in its constitution, and indispensible to the due exercise of its functions. These are the measures which hold out the best hopes of national safety. It is only by attention to them we can escape from the many awful dangers with which our country is encompassed, and its very system menaced, and in happiness at home and honour abroad, enable her to survive the storm that has desolated so many surrounding nations. My lords, I have the honour to move your lordships,

"That an humble Address be presented to his Majesty, earnestly to entreat his Majesty's attention to the advice which, impressed with a deep sense of the increasing dangers of the country, his Majesty's faithful subjects the Lords spiritual and temporal in parliament assembled have felt it to be their indispensable duty humbly to submit to his Majesty's royal consideration.

"To state to his Majesty that we cannot doubt his Majesty's readiness to embrace the first opportunity of concluding a peace on just and reasonable terms; but that looking to the nature of the contest in which we are engaged, to the power of France, now unhappily established over the greater part of Europe, and to the spirit and character of the government of that country, we are convinced that this event so anxiously desired by his Majesty's loyal people, will be best promoted by proving to the world that while his Majesty is actuated by the most just and moderate views, we possess the means of permanently supporting the honour and independence of our country against every species of attack by which the enemy may hope to assail them.

"That for this purpose it is indispensably necessary that his Majesty's government should henceforth adopt a wise and systematic policy, regulated not only by a just estimate of our present difficulties, by a prudent foresight of the probable exigencies of a protracted warfare—that we have deeply to lament that the conduct of his Majesty's ministers has been, in this respect, directly the reverse of what the interests and the safety of his Majesty's dominions required; that they have blindly involved themselves in schemes of continental operations when they could look to no power capable of affording them an adequate support; and rashly engaged in expeditions so defective in their plan, so impolitic in their objects, and so ill combined as to the time at which they were undertaken, that they could terminate only in an unprofitable waste of the resources and the blood of his Majesty's faithful subjects.

"That whilst the war has been thus unfortunately conducted, and our future means of defence thereby naturally impaired, the conduct of his Majesty's government with respect to neutral powers has retarded any amicable arrangement, which has tended to alienate those whom it was most our interest to conciliate, and unite with us in opposition to the measure of France.

"That for the professed purpose of counteracting those measures, a system has been adopted under which no independent power could be expected to acquiesce, and new and visionary projects in legislation have been resorted to which have brought almost every branch of our trade to depend on the permission, and to be exercised under the controul of the executive government; whilst a considerable portion of that trade has been transferred to a foreign navigation, thereby improvidently supplying the enemy with a new resource for the improvement of his navy.

"That in what more immediately concerns our domestic policy we have equally to complain of the total want of wisdom and of foresight in the councils of his Majesty.

"That instead of any well considered and permanent system of finance adapted to the exigencies of a protracted warfare, the expensive and improvident operations of the last three years have been supplied by temporary and impolitic expedients.

"That our paper circulation, for which the restriction imposed on the Bank had removed the only adequate and effectual limitation, has been extended to a degree highly dangerous to the pecuniary interests of the country; that no attempt has been made by wise and equitable arrangements to allay the discontents arising from religious differences amongst his Majesty's faithful subjects, more particularly in Ireland; and that under the unexampled pressure of a taxation necessarily burthensome in its amount, and severe in its collection, no measure has been taken to remove the causes of just complaint, either by introducing an effective economy into the great branches of the public service, or by the due consideration of such timely reforms as may in any instance be found requisite for restoring to our government that practical excellence which the gradual corruptions of time may have obscured or diminished.

"That we should ill discharge our duty to his Majesty and to the public, if we were to disguise from him our well founded apprehensions, that owing to these and other causes, discontent and distrust are beginning to diffuse themselves amongst his Majesty's faithful people.

"That we entreat his Majesty not to listen to those who would persuade him that such discontent and distrust, in whatever degree they may exist, are solely to be attributed to the evil arts of men hostile to the interests of their country, and seeking to excite the people to an invasion of those institutions on which their freedom and happiness essentially depend. That we are firmly convinced such designs have as yet found no favour in the hearts of his Majesty's loyal subjects; and that nothing can afford to those who entertain them any hope of success, but that impolitic and offensive inattention to the real sufferings and just complaints of the people, that determined resistance of every proposed correction of abuses, which in our times we have seen produce such fatal effects in other countries.

"That we humbly pray that his Majesty will be pleased to take this our dutiful representation into his immediate and most serious consideration; that he will see the necessity of adopting such measures as may deprive the enemy of all hopes of success from a failure of our national resources; that he will therefore actually concur with his parliament in giving effect to economical and systematic arrangements for the conduct of the war, in providing for a recurrence to the true principles of a free commerce and circulation both at home and abroad; in endeavouring by a wise and liberal policy to unite in the bonds of a common interest all classes of his Majesty's subjects of whatever religious persuasions; and, lastly, that he will be graciously pleased to countenance the temperate consideration and deliberate adoption of such timely reformations both economical and political, as may satisfy his loyal people, that the sacrifices required of them are strictly limited and faithfully applied to the real interests and safety of the public; and that both for preventing the growth of any dangerous abuses, and for controuling the misconduct of his Majesty's advisers, they continue effectually to possess those securities which have been the boast of the British government, and are essentially inherent in every free constitution.

"That we entreat his Majesty to be assured that in recommending these measures with all the earnestness which a conviction that they are indispensable for the salvation of the country inspires, we never can lose sight of our obligation to support the just prerogatives and useful splendour of the crown, the venerable establishments of our holy religion, and the ancient and essential rights and privileges of parliament.

"In our firm resolution to maintain these under all circumstances and with all our authority and power, we are well assured that we shall not fail to receive the active concurrence and support of all ranks of his Majesty's faithful people, convinced as they must be, that it is no less their interest than their duty faithfully to adhere to those fundamental principles of our government, which, assigning to its various institutions rights peculiar to each, and necessary for the preservation of all, secure by their happy combination and harmony, to the executive power sufficient strength, to the legislature its necessary independence, and to the whole community the blessings of a well regulated freedom."

The Earl of *Liverpool* rose, but was interrupted by

Earl *Stanhope*, who rose to order, for the purpose of stating, that he intended to move an Amendment, and was desirous that his Amendment might have the precedence of any that might be moved by the noble Earl.

The Earl of *Liverpool* said, that without adverting to what he must conceive to be an irregular interruption on the part of the noble earl, he should immediately proceed to the consideration of the topics contained in the speech of the noble mover, any one of which would serve for a night's debate. He did not blame his conduct in so bringing forward the statements to which he alluded; situated as he was, and at such a late period of the session, it might be perfectly natural for the noble earl, or, indeed, for any one else feeling as he did, so to do. He, however, could not think that what he had advanced was intended to be submitted as a plan for the adoption of the House. He conceived it was rather intended by the noble earl to pass for his own individual protest; as, if all the opinions expressed by the noble earl were well founded, (and he trusted he should prove that a great many of them were not), still he could not expect that the House would decide on questions of so much importance, without having some previous notice given on the subject.—The opinions of the noble earl, he, however, admitted, at all times and on all occasions had great weight, and were entitled to full consideration, and he should therefore proceed to comment on them. He proposed to speak of the subjects which had fallen under discussion, not in the order in which they had been treated by the noble earl, but wishing to speak of those which were yet fresh in the memory of their lordships, he should first advert to those topics touched upon in the latter part of the noble earl's speech. He could not but feel the most entire satisfaction at the sentiments expressed by his lordship on one question which had of late much agitated the public mind, namely, that concerning the privileges of parliament. He admitted the full force of his opinion on that subject; most perfectly agreeing with him, that it was necessary for the good of the public that parliament should be in possession of the privileges to which they had laid claim. They were necessary and essential to the proper discharge of their functions, as nothing could be of more importance to the nation than that their representatives should be preserved from being intimidated by menace and by the dread of insult from a proper and conscientious discharge of their duty. Of the evil effects of this the noble earl had given them several illustrations, but a most instructive example was furnished by the revolution in France, of what might be expected from the deliberations of such an assembly. The body then formed, and calling themselves "the Constituent Assembly," had been thus circumstanced; the consequence was, that being too much under the influence of the populace, though they boasted some men of virtue and of talent among them, every chance of success was lost by the manner in which their deliberations were conducted, through fear of becoming unpopular.—With such a dreadful example before their eyes, he was astonished how any persons could be found in this country to urge the necessity of yielding to any expressions of popular sentiment, not conveyed through the legitimate medium. Such was the cry against parliamentary privilege, raised at this moment. With respect to those privileges, he fully agreed with the noble lord, not only that they existed from time immemorial; not only that they were supported by the greatest men the country ever saw; but that our liberties thrived under them, and by them the constitution became what it was. These privileges in fact, grew out of the nature of a deliberative assembly. Without a parliament invested with full privileges, there would be no security for the maintenance of the constitution. That was a task far beyond the capacity or functions of a jury. No courts of justice, no ordinary jurisdiction could maintain it. The trial by jury was not of itself sufficient to secure the rights of the subject. In the reign of Charles 2, in that of Henry 8, and at some of the worst periods of our history, trial by jury had been still preserved, though the subject had been grievously oppressed. Stating this to their lordships, he was far, very far, from undervaluing trial by jury, but he contended that trial by jury afforded no adequate security for the public without those privileges of parliament. No laws, however wise and just—no jurisdiction whatever could alone give sufficient security to the subject without a something behind—or, in fact, above them—without a constantly vigilant and controuling parliament.—He was sorry that he could not agree with the other parts of the noble earl's speech, as he did with this. On the subject of reform, he could not but express surprise that the noble lord's sentiments should remain the same as they were 20 years ago, seeing that circumstances were so materially changed within that period. That a timely and salutary reform had at all times a claim to approbation could not be denied. If the noble earl meant to say that the present ministers systematically resisted such a reform, the experience of their lordships must refute the charge. They had uniformly manifested a disposition favourable to such a reform. Not one year, not one session had elapsed without a remedy being applied to some practical evil. If remedies had not been attempted to be applied in some instances where complaints were made, it was because those things that were in such cases complained of as grievances and evils, when examined were not considered to be such. As to the general theory of reform, so far was he from thinking that if the subject were taken up as proposed elsewhere, a reduction of the public expences would take place, that he did not hesitate to predict that in such a case a great addition would be made to the public expenditure. It was true that the king's revenue had been increased; it was true that offices were multiplied and salaries augmented, but he wished their lordships to look back to former periods, to periods at which every thing was supposed to be so much better, and contrast the present civil list with that of other reigns. The civil list of William 3, was 700,000*l.* and unregulated. That of queen Anne and George 1, 700,000*l.* and unregulated. George 2, had 800,000*l.* and unregulated. These sums if not paid by the hereditary revenues were to be made up by the country. The civil list at present amounted to 950,000*l.* and it was to be observed that it was regulated in all its parts. Blackstone had stated the revenue of the crown to be as low as it ought to be, or as it could be to maintain its dignity. He would ask any man who would look back and take into his consideration all the contingencies attending the depreciation of money, &c. if 950,000*l.* at the present day bore any thing like a proportion to the 700,000*l.* which was the civil establishment in the time of king William, or to the 800,000*l.* granted to George the

2nd.? Ministers had no objection to an economical reform. If there were grievances which called for such a reform, let the noble earl state them, and a practical remedy should be applied. He was, however, averse to a sweeping indefinite theory of reform. Whatever might be said of the multiplied expences of the state, he sincerely believed that there never was a rich and prosperous country, the civil government of which was conducted at an expence so comparatively small. He had made inquiries into the expences of the civil government of America, and though America was a republic, the population of which did not perhaps exceed a third part of the populatiun of the British isles, and though the consumption of articles of luxury could not be very great, he found that the expences attending the civil government amounted nearly to 800,000*l.* and that for a country where the population did not exceed 6,000,000 of persons, and where much less property was to be protected than that protected by the British government, greatly exceeded in proportion the expences of the English civil list.—As to the representation of the people in parliament, he would say, he believed there never was a period in our history when it was less unequal; that it was unequal in theory, he would admit; but that theoretic inequality he regarded as one of the greatest advantages of our constitution.—This was the opinion of that enlightened statesman, Mr. Burke, who said that it was this peculiarity in its constitution, that made it, instead of an assembly of deputies, an entire and perfect deliberative meeting. For himself, he had carefully examined all the plans of reform that had been submitted to parliament at various periods, and he would fairly state that there was not one of them to which he did not see insuperable objections. One of these plans brought forward by the noble mover, certainly not the most objectionable, aimed at making population, and not property the basis of representation. Such a change he thought could not but be exceedingly injurious in its effects.—Adverting to what had been said by the noble mover with respect to the Catholic claims, he wished to call the attention of the House to the real state of the question. The noble mover for his own part, was only willing to grant their prayer on a condition which he did not know the Catholics would accept, and which ministers had reason to believe they would refuse. This being the state of the case, he thought it unnecessary to say more on that subject.—He now proceeded to speak on the circumstances of the war. Whatever difference of opinion formerly existed on that subject, he believed that amongst all sober rational men but little contrariety of sentiment remained. When peace could be honourably and advantageously made, it would certainly be most desirable, but that that could not be effected at the present moment parliament and the country were pretty generally satisfied.—The noble lord had counselled the husbanding of their resources and the avoiding of co-operation as much as possible. On this subject, as he had said before, he wished them fairly to consider the merits of the case, and to decide whether or not such a line of conduct would prove most conducive to the interests of the country. If by the co-operating system condemned by the noble lord, they gained trade and advantages which otherwise would be unattainable, surely, then, it must appear to be a wise policy. He wished to ask the noble earl, if at the time a spirit manifested itself in Spain to resist the foulest and most unprincipled of all usurpations, he had been a member of his Majesty's government, whether or not he would then have preached this doctrine, and told the country, "We are acting upon an economical system, and can give nothing to Spain and Portugal?" The manner in which the war had been conducted had nothing to do with this question. On that subject he would speak presently: but he wished to ask the noble earl, if on that occasion he would have recommended a total abstinence from all co-operation? The noble earl would not at such a crisis have pursued such a line of conduct. He dared not to do so. The country would not have borne it. The question now was, how far our exertions in the cause of Spain and Portugal had been wisely made? The noble earl had set forth the propriety of considering the expediency of withdrawing our forces from the peninsula. He did not wish to deceive by holding out hopes too sanguine to be realized; but he would say, that he thought if they were to withdraw our forces from the peninsula now, their conduct would be universally condemned. He was unwilling to speak on this subject after the clear and luminous statement made on a former evening by his noble friend (the marquis Wellesley) every word of which met with his entire approbation. He, however, would say, that the spirit of Spain still remained unsubdued. She still possessed within herself the means of making an effectual resistance. He did not mean to say that thence it necessarily followed that her cause would ultimately be crowned with success. That must, in a great measure, depend on the manner in which those means were applied; on the ability and integrity of those to whom they were entrusted: but, if England never gave her assistance to a cause till she found a government all virtue and all wisdom to solicit it, she would probably never have an opportunity of so exerting hereself. The struggle of Spain for her independence had been protracted through the assistance of Great Britain for two years. The cause which still animated her sons was not the enthusiasm of success, it proceeded from misfortune, and was, perhaps, more to be admired thus arising from defeat than if it followed victory. While such a spirit survived they were bound not to despair, but to cherish it, and to strain every nerve in the cause. His noble friend had said, that though the cause was such as to call forth our assistance from the noblest motives of generosity, yet if it were only considered as a question of dry policy a sufficient stimulus would remain. While France wanted a formidable navy England was free. What spot in the world was there that could afford France such ample means of contesting the sovereignty of the seas with us as Spain? Leaving, then, out of their consideration the larger question as to restoring the balance of power, it would from selfish motives be our object to fight the cause of Spain for our own sake, for our own security. While this spirit survived, there was, moreover, the chance of new hostility breaking out against France; but without any such chance they were bound, in honour and in policy, to continue the contest to the last. If in the end it should be lost, even in that case he thought the noble lord could hardly contend that the struggle had been of no advantage to England, as the lengthened contest, weakening and wasting the strength of our enemy, must naturally have the effect of increasing the security of our dominions. If, pursuing his economical system, the noble earl would forbear to make such efforts in a cause in which England could not but feel so great an interest, and expose the country to all the consequent danger, then would his economical system be the most ruinous and extravagant that could be conceived. The noble earl next adverted to the Expedition to Copenhagen. It was fitted out, he contended, on the soundest principles of justice and of policy. He knew, at least as far as human testimony could go, that it was the intention of France to apply the Copenhagen fleet as a part of the means she was then preparing for the invasion of this country. The principle of the Orders in Council he had now to explain. France, as had been said, was willing to let America trade—but not with England. To counteract the effect of that Decree was the intent of the Orders in Council. Our commerce and manufactures had flourished more than ever under those Orders, which were a just measure of retaliation on France. The appointments that had been adverted to, had not been made in consequence of the exertion of undue influence. Every administration, for its own sake, would naturally select the most efficient and meritorious public servants they could find. —After a few words in vindication of the appropriation of the consolidated fund, the noble lord proceeded to state that our great resources of public wealth were increasing, and the nation, far from being in a declining state, was rising, and had risen, higher than ever in commercial prosperity. To prove this, he would refer their lordships to the statements on their table, from which it appeared that our commerce and revenue had increased in a most unexampled manner. The permanent and war taxes had greatly increased in their produce. The permanent taxes in 1808 produced 31,571,000*l.*; in 1810, 34,395,000*l.* The noble lord gave a variety of other statements, from which it appeared that the other branches of the revenue were equally flourishing and productive.—The state of the army he had next to speak of. It had been spoken of as falling off materially. He had to state, that notwithstanding all the circumstances of the campaigns in which it had been engaged, its numbers were considerably increased, as it exceeded by more than 27,000 men what it was in 1807. The number of vessels taken from the enemy amounted to 40 sail of the line and 45 frigates, making, with those belonging to our allies, rescued from the enemy's grasp 58 sail of the line and 51 frigates. In addition to these the French had been, for the first time in any war, driven entirely out of the West Indies. The French and Dutch flags were suffered to wave in that hemisphere no more, an advantage which had never been gained before, not even in the war of 1756. The family of Braganza had been removed from French influence and French aggression to the Brazils, whence advantages of importance might be expected to result to this country. Portugal, which had been overrun by an enemy, had seen that enemy expelled by British valour. Spain had been encouraged to struggle with her oppression by our example. The port of Lisbon was now free, and Cadiz and Ceuta were at present occupied by British, in conjunction with Spanish troops. Such was the real state of things at the period when the noble lord had thought proper to move a censure so severe! Under this general view of our situation, he however, saw no cause for despondence. He trusted that the decision of the House on that night, would shew that the noble earl had made out no grounds sufficient to justify the adoption of his motion. Had he, or any of the noble lords with whom he acted, brought forward a motion of this kind, during the administration in which the noble earl was engaged, what disgraces, calamities, failures, and disasters, could he not have crowded into it. What copious themes for censure and declamation would he not have found in the rash, ill-concerted, and frantic expeditions to Constantinople, Alexandria, and Buenos Ayres! With respect to the continent, our hopes in that quarter were just as bad when the noble lord was in power, as at this moment.—"Look," said the noble lord, "look at the state of the nation now, and compare it with what it was then. With all we have lost, the balance is in favour of the present moment. Russia at that period was nearly as she is now. Austria certainly was not supported by the administration of that day, and Prussia during the short period they were in power fell, and probably fell to rise no more." The noble lord concluded with expressing his satisfaction at the favourable change in the posture of our affairs.

Earl *Stanhope* was not a little astonished at the extraordinary speech which had been just made by the noble earl. He did not expect that he would have presented so brilliant a state of the country under the present blessed administration. He agreed with the other noble mover in many points of his speech, but yet he found it necessary to move an amendment. He was a frank man, and he wished to express himself without obscurity. He, therefore, wished to guard himself from what he could conceive an imputation on his honour and character, by voting altogether for the motion of the noble earl, without stating the points in which he differed from him. He agreed with him in the general principle, that the privilege of parliament must be of acknowledged public utility, and that those privileges must be such as were necessary for their functions and no more. So far from quarrelling with this definition and limitation of the meaning of the word privilege, it was because he adopted it that he should move an amendment. He liked particularly the words 'and no more;' and as he also approved of the statement of privilege being necessary to the function of parliament, it was therefore his intention, by his amendment, to express his opinion that such only were the privileges of the House of Commons, as were necessary to the discharge of its functions. He did not doubt but that there were some powers and privileges, necessarily intrusted to every court of justice, and to every body of persons who had a duty imposed upon them; but he conceived that the privileges claimed in a recent instance were most extravagant, and such as could not be justified on any plea of necessity. He had read a pamphlet lately written by a very imprudent person (we believe the noble earl alluded to Mr. Charles Williams Wynn's pamphlet) in which the author had raked out the worst Resolutions which were to be found in the Journals of the House of Commons, to support their late decision. Those Resolutions were, however, so violent and unjust, that they could only disgust people, and shew with what intemperance the House of Commons had acted in former times. When they particularly declared it to be a breach of privilege "for publishers of papers to reflect on the House, or any of its members, for their parliamentary conduct," he would ask, could any man of common sense say, that either reason or justice could allow such a privilege to be carried to its full extent in a free country? He would state an act of the House of Commons done the other day: A bill had been brought in there for allowing any parish officer, in a certain district, to punish as he pleased, by flogging, imprisonment, or starving any pauper who should appear to any such parish officer, to misbehave himself. Now, as he happened to be a peer, the House of Commons could not commit him; but if he were a Commoner, he would still give his opinion of that act, that it was a most infamous one; and for giving such an opinion, the words of the Resolution which he had read, would justify the House of Commons in sending him to prison. With respect to Reform, he quoted the opinion of sir George Savile, the patriotic member for Yorkshire, whom he pronounced to have been one of the wisest and most honest men in his day. He had said, that while the present system of representation continued, general elections could be looked on in no other light than as so many septennial fairs and markets: they were, in truth, nothing else; and while the people were robbed by them of their rights, it was little matter by whom they were despoiled, whether aristocrats or democrats, no matter what the *crats* were; (a laugh) no matter who were the robbers while the robbing was the same. To a House of Commons chosen in such manner, he thought it would be highly dangerous to commit such a power.—The noble earl then told a story of a great boroughmonger who applied to a minister for a very important place, and being refused, said "you will remember there are seven of us." It was in vain for the minister to protest that the place was already promised. The laconic eloquence of the short phrase, "there are seven of us," being repeated, procured the place.—The noble earl then adverted to the conduct of the House in former instances, and complained of their abuse of power in the Aylesbury case and in that of Wilkes. He concurred with the noble mover upon the subject of the Catholic claims, and complimented him, and those who acted with him, on his efforts in that important cause.—Upon the subject of invasion he had already stated his opinion, and had recommended the employ of long two-deckers that would draw little water, as the ships best calculated to act against the enemy in their attempts upon us in the shallow water near our coast.—He next adverted to the alarming depreciation of our paper currency, and asked, what we were to do in case either of an invasion or of a short harvest? and, if the bank of England paper currency should come to a stand, what would become of the far greater proportion of country bank note circulation? In case of a failure in their harvest, would America be on such a footing with this country as to admit of her supplying us with corn? or in case of the total depreciation of paper money how were we to pay our tradesmen at the end of every week, when a guinea nor a shilling would be no longer visible?—The noble earl then adverted to the divisions supposed to exist among his Majesty's ministers, and indulged in a humourous tone of observation on the supposed subjects of controversy among each other, which diverted their attention from the more important objects of the government. He imagined one of the ministers charging another with the defection of Russia; that other charging a third with the Copenhagen robbery, and the final subjugation of Austria; a fourth silencing his opponent with the ominous mention of the Expedition to the Scheldt; while a fifth bore down upon them all with the charge of their weak or treacherous defence of the royal Duke and his little darling (a laugh). The cry of No Privilege was answered by No Popery. He did not believe that his noble friends (the Opposition) were much vexed by those divisions; (a laugh) they were too anxious to serve their country, to disdain to take advantage of them. (A laugh). The mutual zeal of the two candidate parties had sometimes, however, produced contests in which the House had abundant opportunity to recognise the civility of Saint Giles's and the politeness of Billingsgate. He believed that it would be the best service the two parties could render to their King and country, that they should hang together. (A laugh). After some further observations in a similar strain, the noble earl concluded by moving as an Amendment, "That that House would pledge themselves to maintain the law of the land, to which they deemed the right of trial by jury, and the preserving the liberty of the subject as indispensable."

The Earl of *Suffolk* supported the amendment. He entered into a discussion upon the conduct of ministers with respect to the way in which the war was carried on in Spain, and expressed his apprehensions that it was not likely to succeed; not, he thought, from any want of public spirit in the Spaniards, but from the want of that which of all others induced men to stand forth in defence of their country—namely, constitutional liberty.

Lord *Erskine* said, that there was one part of the Address as proposed by his noble friend, the importance of which swallowed up, in his mind, every other political consideration! If a well arranged Reform in the Representation of the House of Commons could only be brought about by the ways of the constitution; he would willingly draw the curtain over the past, certain of a new æra of prosperity and happiness. For such a benefit he would give an immediate release to his Majesty's ministers for the errors of Walcheren, and for all other errors. Indeed, in the present state of parliament, he thought that no administration could permanently promote the essential interests of the country, (lord Grey here said across the House, that, "He had not said so") Lord Erskine said, that he was not quoting his noble friend, but was delivering his own opinion, an opinion which had formerly been delivered by Mr. Pitt himself, even in the form of a Resolution on the subject.—Lord Erskine said, he was well convinced that his noble friend had never deviated, and never would, from the principles of his honourable life. He desired to remind him, that they had acted together from the beginning in that great cause; that he had seconded the motion of his noble friend in the House of Commons; that he had followed in his steps; had promoted all his efforts, and shared with him in all the calumnies of which his noble friend had so just a title to complain. In some quarters a most malignant, and in others a most ignorant clamour had been at that time raised against them; but that very recollection ought to impose the most abundant caution in judging of the views and motives of others who were engaged in the same cause. For his own part, he did not believe that there was any body of men in the kingdom, he would go farther and say, that he did not know even an individual whom he believed to be adverse to the British constitution, though there were no doubt a variety of opinions as to the best means of its restoration. Abstractedly speaking, the best reason for reform was in the hour of peace, but there was not always a choice. Reforms were only safe when they proceeded spontaneously from the justice or prudence of governments, instead of being forced upon them by the discontents of the people. He hoped, therefore, that the highest ranks and orders would take the lead in the hour of their influence to avert them. With regard to that part of the subject which related to the privileges of the House of Commons, he was only anxious that his sentiments as expressed upon a former occasion should not be misunderstood. Those sentiments, he should never shrink from avowing under any circumstances and at all times; but the time had not yet arrived for judging of the question, as pointed at by his noble friend, nor could he agree that the House of Lords was the forum where it should be now discussed. No man would more firmly or jealously support the privileges of Parliament than he would, if they were considered to be a a branch of the law of the land, to be expounded by the judges of the law as in all other cases. That was the proposition which he had maintained, and without it every body must see, that one branch of the legislature might overthrow all the securities which the three together had consented to enact for the liberties of the people. The application of the principle to the particular case he had not anticipated. He had only claimed for the King's subjects, that it should fall into the ordinary course of justice in the King's courts, and that very course the Commons themselves had since pursued. The time would therefore shortly come when the House might judicially have to consider the result. Lord Erskine said he could by no means look upon the strong zeal and feelings of the people upon such a subject as any just cause of blame; more especially when they looked only to the decision of the law, and if the opinions which he himself had delivered were erroneous and dangerous, how much more latitude ought to be given to the errors of the multitude, who had not the same opportunities of study and practice in what belonged to the support of their liberties. It should always be remembered, that by the same warm zeal the constitution had been repeatedly conquered from power and oppression. It should never be forgotten, how many noble and ardent spirits had toiled and bled in the cause of British freedom; it was now, thank God, firmly established; and instead of apprehension and alarm, he could not possibly conceive a greater subject of exultation and security above all in these days of revolution, than to see the whole body of the people looking to nothing for their deliverance but the established law and government of the country. What that law was, would appear in its due season and in its proper place. Lord Erskine said, he felt much concern that it should be thought to disturb the views of public men in the pursuit of great public objects, that they could not entirely agree upon every subject which could possibly arise in the complicated concerns of a state. For his own part, he should never wish to disturb others who might think, they could only serve their country upon this impracticable system of universal conformity. He could retire with pleasure to the fields won by his labours, and when he found the flowers around him of various smells and colours, he might perhaps feel disposed to ask his friends in the busy world, why the Author of Nature had not made them all exactly like one another.

The *Lord Chancellor* said, that if his noble and learned friend could reconcile the speech he had just made, with the one that was attributed to him, as uttered by him on a former night, he could effect that which he thought not very easy. The noble lord's former speech had been certainly grossly misunderstood; but it was in the power of any person to get the speech at a bookseller's shop. The learned lord vindicated his conduct in the prosecution for high treason, brought forward by him when attorney-general, and was willing to rest his credit with posterity on the manner in which he had stated the law to the jury on those occasions. He could not see the propriety of the noble earl's amendment. It appeared to him to be a distinction without a difference. The trial by jury and the liberty of the subject could be only maintained by the maintenance of the essential privileges of parliament. If these fell to the ground, the others must come to nothing. The noble lord then went into the argument of contempts being summarily punished without the intervention of a jury in the courts below. He appealed to all the judicial authorities, if the process of attachment for contempts was not as much a part of the *lex terræ* as the trial by jury. He then applied this to the case of the House of Commons, and asked if this power was not allowed, how they could possibly enforce the inquisitorial and jurisdictional functions? He asked if lords Somers, Cowper, Nottingham, or any of the most illustrious of his predecessors, had ever hesitated to commit in cases of contempt: a case had occurred in which a libel had been published upon the proceedings of his learned friend (lord Erskine) when holding the great seal—and what had his noble friend done? He committed the parties, the man and his wife, forthwith to the Fleet, and he acted most rightly. The noble lord then combatted the objection of abuse on the ground of the necessity of vesting discretion somewhere, and said that the objection would hold only when they could procure persons divested of human weaknesses to conduct human affairs; but as long as men had the management of them, they must be liable to the infirmities of men.

The Duke of *Norfolk* said, that there was not one word in the motion from which he could dissent, with the exception of that which referred to the privileges of parliament. He could not help expressing a wish that this topic had been altogether omitted upon the occasion; but as it had been obtruded, he must fairly own, that he could not acquiesce in the opinion of his noble friend, and therefore he would vote for the amendment. With all that appeared in the motion that had been advanced by his noble friend respecting the support of the prerogative of the crown, and the rights of the church, and the general merits of the constitution, he fully concurred, and as to the privileges of parliament he did admit that they formed a part of the law of the land. But he would be understood to mean only those privileges which were consistent and necessary; and, among these, he could not class that privilege, the recent exercise of which had created so much discussion and alarm. Let it be supposed that the House of Commons committed a man for a libel written the day after the commencement of the session, and that another man was committed for a still more offensive libel the day before the conclusion of the session—how unequal must the punishment be upon two such offenders, and was it, he would ask, compatible with common justice or common sense, that a power of punishing so unequally could belong to any body of men in this or any free constitution. Yet such was the power claimed and exercised by the House of Commons—a power of which he could not hesitate to declare his unqualified disapprobation. Whether the exercise of this power on a recent occasion would be submitted to the consideration of a jury, or what the result might be, he could not pretend to say; but he would repeat that he regretted the introduction of the question in this instance, particularly under the circumstance in which that question had been brought forward. Having been however so introduced, he could not consistently decline to declare his opinion.

Viscount *Sidmouth* concurred with his noble friend on the question of the privileges and rights of parliament. He thought the other House was indebted to his noble friend for the attention he had paid the subject, in bringing it under the consideration of honourable and enlightened minds. The sending out expeditions, which had been the subject of the noble earl's observations, called for his disapprobation. Ministers had not applied their expeditions to advantageous purposes. With respect to the continuation of the war, and the economy which was necessary, it was his lordship's opinion that nothing but the principles of economy could avert the evils proceeding from the contest. The war taxes, and the surplus of the consolidated fund was our only dependance; and if economy was not strictly adhered to our resources would soon prove inadequate. But while he concurred with his noble friend upon that point, as well with regard to all that he had urged upon the misconduct of ministers, and particularly relative to their financial proceedings, he must differ from him upon the subject of Reform and the claims of the Catholics. As to the latter, he was rather surprised at the passage of the Address, which adverted to that topic, because, in fact, the motion a few nights since being only to refer the petition of the Catholics to the consideration of a Committee, there was no claim rejected, for no claim was distinctly preferred by the noble mover. With respect to Reform, he was as ready as any man to admit that there were many serious evils which called for a remedy. But as he did not think that any of these evils arose out of the construction of parliament, so he could not admit that a parliamentary Reform would be the proper remedy. The good resulting from the conduct of parliament was evident in the improvement that had taken place, the power and prosperity which the country had attained under the auspices of that parliament was undeniable, and therefore, he could not consent to the change proposed—of course he could not assent to the motion. But there were other grounds which would restrain him from giving that assent. He was adverse to a general motion of this nature under any circumstances, and therefore he would have opposed that brought forward in the course of the last session, had not indisposition prevented him from attending in his place. If any specific proposition upon a particular subject were submitted to the consideration of the House, he would be as ready as any other noble lord to enter into it. But he could not see the utility of any such motion as that before the House, while there was reason to apprehend that very serious inconveniences might result from its adoption. His noble friend could not expect that which he concurred with him in wishing, that the adoption of this motion would lead to the removal of his Majesty's present ministers. Then, if it would not, what useful end could be answered by the insertion of such a motion upon their lordship's Journals? Feeling as he did that the administration was by no means such as the crisis of the country called for —that they were incapable, that they were weak—still he would not assent to a motion which could only serve to aggravate that incapacity, to increase that weakness. Upon these grounds he would rest for the justification of his objections to the Address.

The Earl of *Donoughmore* took occasion to declare as the advocate of the Catholics, that he sought their object as matter of right, and upon that ground alone would he consent to accept that object.

The Marquis of *Lansdowne* was fully convinced of the strong necessity which pleaded for the privileges alluded to, and upon the ground of that necessity alone could he wish for their existence, or justify their exercise. The privilege claimed was, in fact, nothing more than was necessary to preserve the safety and integrity of any court, and to the court of parliament it appeared to his mind peculiarly requisite, in consequence of the liability of that court to be opposed to other courts —to be obstructed by the crown itself. And as to any danger from the use of this privilege to the security of popular freedom, from the popular branch of the legislature, responsible as that branch was for its conduct to the people themselves, the idea seemed quite visionary.—After adverting to the manner in which ministers conducted the war, particularly in Spain, the noble lord took a view of their commercial system. Of that system he observed, that the noble earl (Liverpool) seemed quite disposed to boast, and in the warmth of his eloquence, maintained that the security of that system would have been endangered, nay more, that the country might have been exposed to invasion, if it were not for the extensive plan of operations which the noble earl and his colleagues thought proper in their wisdom to adopt.—But he would beg to ask the noble earl, or any man of common candour, whether with a view to protect our commerce and guard against invasion, it was necessary to sacrifice an army in Spain, or to send such a large force last summer upon the expedition to Walcheren? Was it necessary to the protection of our commerce, and particularly of our coasting trade, to draw the whole of our naval force into a net for the purpose of proceeding upon that miserable and mischievous expedition? But on the subject of commerce, the noble earl put forth an account of exports and imports, to shew the effect, no doubt, of their commercial policy. It happened, however, that he omitted to bring forward any report of that year, in which alone the celebrated Orders in Council were in operation. No, that year in which ministers ventured to act upon their boasted system of commercial policy was kept out of view. The year 1809 seemed quite forgotten by the noble earl, and for this plain reason, that in that year, when the Orders in Council were in action, there was a deficiency in our exports and imports to the amount of six millions; therefore, ministers found it necessary to swerve from their system, to relax their Orders in Council. They silently and gradually departed from them, and to that departure, which they still declined to avow, was owing the change of which the noble earl boasted. Then, as to their financial policy, it was very true, that it differed from that of their predecessors. In what, however, did this difference consist? Their predecessors proposed to place the war taxes in such a state as to insure their redemption at stated periods, and to keep the expenditure within the income, or to raise the latter to a level with the former; but the noble earl and his colleagues had reversed that system; they had already mortgaged a proportion of the war taxes, and from their recent diminution of the surplus of the consolidated fund, they seemed resolved to go on with a growing deficiency in the permanent revenue, without any corresponding provision for the future. But, among the points adverted to by the noble earl, he confessed that he was quite surprised to find that no notice was taken of the state of our paper currency. Not a word was said upon this important subject—and he must infer from that circumstance, that which there was too much reason to believe, that ministers had paid no attention whatever to this alarming topic. What, then, was the country to think of their capacity and devotion to their duty? It now appeared, that in the year 1809 there had been a greater increase of our paper currency, than the currency of coin in all Europe amounted to within any one year since the discovery of America. The consequence of this extraordinary issue (which he did not mention with any view to accuse those concerned in managing the Bank since the restriction of cash payments) was quite notorious. In fact, the depreciation of paper was such as to be felt in all the orders of society.—The effects of the paper system were particularly severe upon the labouring classes, among whom any man who had two or three children, was under the necessity of applying for parochial aid, which was a thing never known or heard of before—which was a thing, in fact, never contemplated by the poor laws or by any law whatever. Yet such was the result of a system, which it appeared had not even attracted the notice of his Majesty's ministers. The noble marquis concluded with expressing his entire concurrence with the opinion of the noble mover, particularly with respect to the Catholic question, and the necessity of a prompt and proper attention to the wishes of the people upon the subject of reform.

The Earl of *Buckinghamshire* supported the opinion of his noble friend (lord Sidmouth), and adverting to a statement of the noble mover of the Catholic question a few nights ago, denied that any thing had ever been granted to the Catholics under the influence of intimidation. Having been in Ireland at the time of the grant alluded to, he was enabled to say, that in no dispatch sent to this country was it ever stated or insinuated that any danger was to be apprehended from a resistance to the claims of the Catholics.

Earl *Spencer* could say from his own recollection, that the noble earl had stated the fact correctly, no symptom of alarm had been expressed, though the claims of the Catholics were acceded to with a very bad grace. As to the motion, it should have his support. Upon the subject of reform, he had always great doubt whether it would lead to the good expected, mixed with some apprehensions that it might lead to much evil. But yet he had formed no decided opinion, and was quite willing to enter into the consideration of it.

The Earl of *Darnley* thought the necessity of some reform in the House of Commons quite obvious from the scandalous transactions disclosed upon the discussion of the sale of seats in that House, (alluding to the case of lord Castlereagh and Mr. Perceval) and also from the conduct of that House upon the subject of the Walcheren expedition. What, he would ask, would their lordships feel, if in the progress of corruption, it should be publicly avowed that peerages were bought and sold? and what would their lordships think of the assembly who supported a minister convicted of an equally scandalous act, and who also acquitted his accomplice in that act, the guilt of that accomplice being aggravated by the projection of the most silly and calamitous expedition ever sent out by any government acting under the influence of common sense or common humanity?

Lord *Erskine* said, that he only rose again in consequence of what had been said concerning an attachment, which he had issued when he sat in the court of chancery. However that proceeding might be thought relevant by the House of Commons, to illustrate the practice of the courts of law, in cases of contempts so as to induce them to introduce it into the Report of their Committee of Privileges, he could not possibly conceive how it could be fitly introduced upon the present occasion, either to involve him in any inconsistency, or to make use of it as an authority. There were no facts before their lordships regarding the particular proceeding of the House of Commons, which his noble friend was so anxious to support. There was nothing whatever before the House, so as to afford any possible comparison with any other proceeding in parliament, or in any other court. Neither had he (lord Erskine) ever delivered any opinion upon the validity of the proceeding in question, because they would probably have judicially to consider them. He had only maintained, and was still of opinion, that the facts, whatever they were, should be brought to the standard of the law. In the case alluded to, of the commitment for contempt of the court of chancery, if the persons imprisoned under it, had brought a Habeas Corpus to be delivered from the imprisonment, he apprehended that it would not have been sufficient to have drawn up the order, that they were committed by the lord chancellor for a contempt, but that the order must have specified, and with all legal precision in what the offence to the court consisted, that the King's Judges might know whether there had been such an act as legally constituted a contempt. This had been twice decided, as would be found in the Reports of lord chief justice Vaughan in consequence of commitments for contempts of the court of chancery by sir Nicholas Bacon when lord keeper. In these cases, the parties committed were discharged by the court of King's bench because they were committed for a contempt generally, instead of specifying the cause of their commitment, from which he drew this conclusion, that the liberty of the subject could only be judged of by the judges in the King's courts. Otherwise, every inferior court of record might imprison for any length of time, for just what they pleased.

The *Lord Chancellor*, in answer to these authorities said, That at that time the court of chancery had not risen to its present settled rank in Westminster Hall, and that there was a great jealousy regarding its authority in the courts of law; but that these doctrines and cases could now have no force or application.

Earl *Grey* rose to reply to the arguments which had been used in opposition to his Address. He felt it unnecessary to use many words on the occasion, after the able answers which most of the observations on the other side had received from his noble friend near him (the marquis of Lansdowne.) To his observations on the financial state of the country, the noble secretary of state had not been able to answer a single word. He was therefore saved the necessity of troubling the House on that head. There were one or two points, however, on which he must be allowed to trespass a little on their lordships' indulgence. The noble secretary had asked, would not he (earl Grey,) if in office, have sent an army to Spain? He had even asked, would he have dared not to send an army to Spain? No heart in this country, he would venture to affirm, ever felt more warmly in the cause of the Spanish people than he did; but, at the same time, he should not have thought himself entitled to indulge his own feelings at the expence of sound discretion and policy. He should not have felt it to be his duty to send an army to the assistance of Spain;

if he had not seen that there existed a sufficient spirit in the people of that country to enable them to profit by our assistance; and had he not also seen that there were the means of providing a sufficient supply of provisions. If these things had not appeared to be satisfactorily ascertained, he should not have conceived the sending an army to Spain to be a line of conduct which his duty dictated to him. If his conduct in this respect should have been disapproved, one only course would have remained to him, namely, to have sacrificed his situation to what he esteemed his duty. But, said the noble secretary, would the country have borne this? Here the secret burst forth: here was to be seen the principle which uniformly governed a weak administration. What was this, but in other words asking, what would the newspapers say? Men who could act on such a principle, were not fit to be entrusted with the affairs of a great nation. He should now beg to say a few words as to the state of the catholics in Ireland. On this subject, the noble secretary, abandoning his usual course of proceeding, had said, that a concession ought to have been made by the catholics, without which their claims could not be safely listened to. He had stated, on a former night, the expectations and promises which had been made to the catholics, in consequence of which they had sacrificed their national legislature, and the grievous disappointments to which they had since been subjected. Was there a man who could doubt, that if their own parliament had now existed, they would not long since have got what they were asking? would they have confirmed the union, but for the fatal delusion which had been held out to them? Was it, then, to be wondered at, that in these circumstances they should be afraid of making any more concessions to a government who held their places under a pledge inimical to the catholic cause? A noble viscount (lord Sidmouth) had conceived that the catholic claims could not be insisted on as a right, but only as a matter of expediency, and in fact, that the right had been abandoned. This lord Grey denied. They never could renounce their right to that which lay between God and their own consciences.—The noble lord proceeded to notice the arguments of his noble and learned friend (lord Erskine) as to the contempt. He was at a loss to understand the extent of his noble friend's argument, but he saw it in his conduct, for he himself had committed for contempt. No person could be a greater friend to the liberty of the press and the trial by jury than he was. Look at the Address he had proposed, and say if it was deficient in this respect. He presumed to think it would be found quite the reverse. He must therefore dissent from the Amendment. On the point of Reform, he contended that it was indispensably necessary, both in a political and economical sense. The noble secretary pretended to be a friend in economical reform, but still he embraced every opportunity of opposing it. Of political reform too, we were in as great need. If any one, three years ago, had contended that at the distance of three years, the country would be governed by the present ministers, he would have been esteemed little better than a madman. Who could have thought at the time Augustus was emperor of Rome, that in the reign of Caligula, the people could have submitted to have a horse for their consul. Such was nearly the case with this country, and it belonged to parliament to inquire into the causes of such a change. An economical reform, however, was not the whole that he wished. He desired to see a reform a little more extensive. But still his opinions on this subject had undergone some change; and he confessed, that to go to the full extent of his original ideas, would be too much; a more limited reform would be preferable. If he had ever said that without a parliamentary reform no administration could act usefully for the country, that opinion he must now retract. If ministers had sufficient power, he thought, even as the House of Commons was now composed, that they might do every thing that was required for the good of the country, but to do so, they must possess the confidence of the people and the confidence of the crown: for without the latter, as well as the former, they could not act with full effect, but must be subject to every obstruction.

The question was then put on the Amendment, which was negatived without a division. On the question being put on the original Address, the duke of Norfolk, marquis of Douglas, earl Stanhope, and lord Erskine, left the House. On a division the numbers were:

For the Address, Present, 43, Proxies 29,—72; Against it, Present 71; Proxies 63,—134; Majority against the Address 64.

HOUSE OF COMMONS.

Wednesday, June 13.

[PETITION FROM LONDON RESPECTING REFORM OF PARLIAMENT, &c.] The House being informed, that the Sheriffs of London attended at the door, they were called in; and at the Bar presented a Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled;—And then they withdrew. And the said Petition was read, setting forth, "That in approaching the House to lay before them the numerous grievances under which the petitioners labour, they acknowledge the undoubted right of the House to exercise all fair, just, and constitutional privileges, originally intended, and wisely continued for maintaining the dignity, independence, and security of their deliberations and proceedings; and that while the petitioners feel it their duty to support and uphold the House at all times and under all circumstances in the possession of these privileges, they cannot but lament that the late exercise of the power of the House, in the arrest and imprisonment of two of their fellow subjects, should have produced consequences most afflicting and deplorable in their nature, and that without entering into the merits of a question, which is shortly to undergo legal decision, the petitioners cannot forbear expressing their concern and sorrow, that at a time when the whole nation was anxiously looking to an inquiry of the most important kind, the people should have been debarred from the said inquiry by the enforcement of one of the Standing Orders of the House, a measure calculated to distract the public attention from the gross misconduct of his Majesty's ministers, and tending to screen from condign punishment the criminal authors of unexampled disgraces and calamities; and that the petitioners have seen with astonishment and indignation, the person who enforced the Standing Order rewarded with a lucrative sinecure, and notwithstanding the decided and degrading rejection of the tender made by him once more to represent his constituents in Parliament, afterwards raised to one of the highest offices under the Crown; and that under these extraordinary and almost incredible circumstances of trust improvidentially bestowed, and of emolument and honour lavishly conferred, alike insulting to the nation at large and destructive of all mutual confidence, the petitioners have beheld with regret and amazement the silence and seeming indifference both of the hereditary counsellors of the Crown and of the representatives of the people; and they earnestly entreat the attention of the House to the great and imminent dangers in which they conceive the country is involved, to the manifold injuries and abuses the petitioners consider it to be sustaining from those who preside over its councils, and to the means they humbly presume to think are best adapted to produce a better and happier state of things; and that, during a warfare of unparalleled misery, expenditure, and destruction, the petitioners have submitted to unprecedented burthens and privations; and that these burthens have been greatly aggravated by unequal taxation, capricious assessments, vexatious charges, and arbitrary inquisitions into their private concerns; and that during the severe pressure of an enormously increased and increasing weight of taxation, abuses, frauds, corruptions, and peculations no less enormous have been found to exist; and that these burthens have been further increased by a profusion of useless places and pensions; and that by such shameful frauds, waste, and profligacy, their burthens have been augmented, their sufferings aggravated, and their feelings outraged: and that although there has appeared no deficiency of means to levy and enforce the payment of taxes, the petitioners have to complain that no adequate means have been yet devised to prevent the misapplication of them, not any law nor tribunal found sufficient to correct abuse or bring great public delinquents to justice; and that these enormous abuses are not only felt as intolerable grievances, materially impairing the property of the people, but, by means of the monstrous and pernicious influence they create, are subversive of the vital principles of the constitution; and that their natural operation is to render the legislature subservient to the executive power, a juncture, in which it has been predicted by the ablest politicians, that the constitution would inevitably perish; and that, duly impressed with the magnitude of our external dangers, the petitioners are nevertheless of opinion, that these internal abuses, corruptions, and violations of law, as they are the more insidious are only the more fearful and alarming, and they concur in a declaration recorded upon the Journals of the House of Lords, in a protest signed by the late duke of Portland and 31 more peers "That from the history of this, as well as other countries, times of necessity have been always times of reform," and that they cannot but express their concurrence with another part of the said Protest, "because however the waste of public money, and the profusion of useless salaries may have been hitherto overlooked in days of wealth and prosperity, the necessities of the present times can no longer endure the same system of corruption and prodigality;" and that without recurring to those facts and circumstances universally known and admitted, by which it appears, that a majority of members are returned through the influence of government, of peers and other individuals, speculating in the rights and liberties of their fellow subjects, the evils already stated afford sufficient evidence of the pernicious influence existing, and the want of a real and efficient representation: and that it is equally notorious that a very considerable number of the members of the House hold lucrative places, appointments, and sinecures, under the Crown, almost invariably supporting the existing administration, and resisting or evading enquiry for the correction and reform of abuses; and that the influence which such appointments create is not confined to those who possess them, but extends to others desirous of obtaining them, and who, the petitioners are well assured, seek seats in the House at considerable expence for that purpose only; and that, however notorious these facts have been, never before has corruption, in the return of members and the sale of seats, been publicly avowed and admitted in the House of Commons by members of the government and others; and that it has appeared that lord Castlereagh, a member of the House of Commons and a minister of the Crown, was guilty of a high breach of the constitution, by trafficking for a seat in parliament in exchange for a writership, and although he himself admitted the fact, no punishment nor even censure was inflicted upon him; but on the contrary, he was in defiance of all decency, and in contempt of public opinion, suffered to retain his official situation; and that while the said lord Castlereagh, and the right hon. Spencer Perceval, another member of the House, and also a minister of the crown, were charged with another high breach of the Constitution, the first in the disposal of a seat, and the second in conniving thereat, a motion for enquiry into the same was rejected, upon the declared ground of the frequency of such practices; and that, contrary to every principle of justice, the very ground of aggravation was thereby made an exculpation of the crime; and it is the decided conviction of the petitioners that nothing short of a reform in the representation of the people in parliament can correct these inveterate abuses, and repair the breaches in the constitution; and that had the people been fairly represented, there would have been no ruinous wars for the preservation of a German electorate, no subsidies levied upon the labour and industry of the nation, to be squandered in fruitless continental attachments: no army of foreign mercenaries in the very heart of the land, no wretchedly contrived campaigns for the relief and emancipation of the great and gallant people of Spain, rendered still more painful by the extraordinary valour of British soldiers, and the miserable policy of British statesmen; no prodigal waste of blood and treasure in the preposterous and ill-fated expedition to Walcheren and the Scheldt; no escape of public peculators and robbers from merited punishment; no men advanced to high places of honour and emolument who had been deemed unworthy of the confidence of their constituents; no tax upon income, in which the means of acquiring the nature and variation of property are levelled, confounded, and swallowed up; and therefore praying, that the House will take all these matters into their serious consideration, and to devise such means as, by the destruction of corrupt, depopulated, and nominal boroughs, the extension of the elective franchise, the exclusion of placemen and pensioners (the efficient officers of the Crown excepted), and the abridged duration of parliament, will secure to the people their full share of the rights, liberties, and blessings which the constitution undeniably meant they should enjoy."—Ordered to lie upon the table.

[Address from the Magistrates, &c. of Worcester, against Parliamentary Reform.] An humble Address of the magistrates, freemen, and other inhabitants paying taxes, of the city of Worcester and its vicinity, whose names are thereunto subscribed, was presented and read; setting forth, "That the magistrates, freemen, and other inhabitants paying taxes, of the city of Worcester and its vicinity, beg leave to express their disapprobation of a Petition lately presented to the House, praying for a Reform in Parliament, and stated to be the sentiments of the electors and other inhabitants of the said city; and that they view, with concern and indignation, the insidious and mischievous attempts made by factious individuals to bring the House into contempt with the people, and declare their abhorrence of these designs, alike destructive of the privileges of the House and the liberties of the people; and they feel it a duty to express their perfect reliance on the House, that, as the guardian of the rights of the people, they will continue to make such retrenchments and reforms as may be consistent with the law of the land, resisting all innovation, being fully persuaded that the liberties of the people cannot be more safely deposited than in the hands of their representatives; and therefore praying, that the House will be firm in the maintenance of those privileges which they have exercised from time immemorial, thereby preserving the dignity of the crown, the rights of Parliament, and the liberties of the people."—Ordered to lie upon the table.

[PETITION FROM COVENTRY FOR REFORM OF PARLIAMENT, &c.] Mr. *Peter Moore* presented an Address and Petition from the inhabitants, householders, and electors of the city of Coventry, at a meeting held at the county hall of the said city, the 5th day of June, 1810, pursuant to public notice, setting forth, "That the inhabitants, householders, and electors of the city of Coventry, beg leave to approach the House, as a necessary branch of that system themselves individually have solemnly engaged to preserve inviolate; the petitioners feel particularly called upon, at this awful conjuncture of affairs, when the very existence of our native land appears to be at stake, to represent, in the plain language of truth, their feelings and opinions on the origin of those evils that have reduced our once justly envied country to its present alarming state of difficulty and danger; and that to shut their eyes to the gathering clouds, to be aware that a mighty storm threatens their safety, and not to express their apprehension of the consequences, would be treason against their Sovereign, against the venerable nobility of the land, against the House, against themselves, against posterity; they therefore speak without dissimulation, and at once tell the House, that according to the honest judgment of the petitioners, corruption practised in the management of public affairs (which, if not countenanced by the House, has been suffered to prevail to an unexampled extent), is the grand source of all their evils; and they respectfully intreat the House to reflect on the state of Europe 20 years past, and compare it with its present state; they would beg the House to consider the lamentable change that has taken place in this kingdom within the same period; and then calmly appeal to their consciences, and enquire whether the measures pursued by the different administrations during this eventful time, have been marked either by a regard for the welfare of the human race, or the principles of sound policy: unfortunately for the petitioners, the result presents a distressing conclusion; by the measures that have been adopted, they find their country deprived of nearly every foreign alliance, and the arms of almost every foreign power turned against them; the national debt swelled to an enormous amount; the people groaning under an inquisitorial system of taxation, and, although in the midst of plenty, unable to obtain a due quantity of the common necessaries of life for the maintenance of their families, however incessant their labours; these are calamities which the petitioners feel it their imperious duty to represent to the House, from a conviction they endanger their safety as well as that of the petitioners; and that they cannot look back to the proceedings recently exercised by the House in seizing and imprisoning John Gale Jones and sir Francis Burdett, under an undefined authority, without the deepest regret, assuring the House, that, divested of all prejudices, it is the firm belief of the petitioners the House have acted contrary to the fundamental principles of those laws they have sworn to defend; as Englishmen, the petitioners are willing to acknowledge, and ready to support with their lives, every privilege the House are justly entitled to; at the same time they declare, before God and their country, they had rather give up their existence than surrender to any power on earth those blessings and advantages which their forefathers purchased with their blood; in offering this Address and Petition, far be it from the petitioners to entertain the most distant wish to lessen the authority, the importance, or the character of the House; but they cannot view the enormous patronage of the crown, the immense increase of sinecure places and pensions, they cannot witness the erection of barracks in every part of the kingdom, the introduction of foreign troops, the best interests of the people neglected, the liberty of the subject restricted, good men persecuted, the just complaints of the people prevented from reaching the royal ear, convicted defaulters and delinquents suffered to remain at large, the public revenue and lives of their fellow countrymen sacrificed in disgraceful expeditions, a traffic of seats in the House admitted and defended, the national credit injured, and Britain, the once justly boasted envy of the world, exposed to the most imminent danger, without jealousy and alarm; under these impressions the petitioners pray the House to bring back Parliament to its original duration, to allow a more full and free suffrage of the people, to apply those remedies in redress of the numerous grievances they have stated, which our excellent constitution furnishes, and to cultivate peace as the means of obtaining the divine blessing and protection; and that the House may attend to the warning voice ere it be too late, is the earnest supplication and prayer of the petitioners."—Ordered to lie upon the table.

[PETITION FROM MIDDLESEX FOR REFORM OF PARLIAMENT. &c.] A Complaint, Petition, and Remonstrance of the Freeholders of Middlesex, in full county assembled, the 8th day of June 1810, was presented by Mr. Byng and read; setting forth, "That on the 25th day of April last, the petitioners in full county assembled agreed to a petition which was presented to the House on the 2d of May last, and which the petitioners have been informed was rejected by the House, because certain allegations therein contained were believed not to be true, because it was not thought to be worded in a sufficiently respectful manner, was signed by a small number of freeholders, was a protest against the proceedings of the House, and because it was supposed to be an attempt to degrade the House; and that the petitioners complain of this rejection of their Petition, the free and uncontrouled exercise of the right of petitioning was claimed, demanded, insisted on, and confirmed by the Bill of Rights, as one of the true, ancient, and indubitable rights and liberties of the people of this kingdom: that statute declares, that it is the right of the subject to petition the King, and all commitments and prosecutions for such petitioning are illegal: It had never then occurred, even to the tyrant James, to refuse to receive the Petitions of the people; is it then to be permitted to them to tell the King with impunity (as the seven bishops did in that detested reign), that his proceedings are illegal, and not to tell those who profess to represent them, that they have violated the law and the constitution, or to protest against their acts when they deprive them of their rights or subvert their liberties; but to reason on so plain a point is unnecessary—a right to petition and a right to refuse to receive petitions cannot exist together; and that the petitioners are well assured that the assertions contained in their rejected Petition are truths which they trust they shall make evident to the House.: That in the cases of Mr. John Gale Jones and sir Francis Burdett, the House assumed and exercised a power unknown to the law and unwarranted by the constitution, is manifest from the statutes enumerated in the act of the 16th of Charles the 1st for abolishing the infamous court of Star Chamber, which recites, that by the Great Charter, many times confirmed in parliament, it is enacted That no freeman shall be taken or imprisoned, or be outlawed or exiled, or otherwise destroyed; and that the King will not pass upon him, or condemn him but by the lawful judgment of his peers, or by the law of the land; and by another statute, made in the 5th year of the reign of king Edward the 3d, it is enacted, That no man shall be attached by any accusation nor forejudged of life or limb, nor his lands, tenements, goods, nor chattels seized into the king's hands, against the form of the Great Charter nor the law of the land; and by another statute, made in the 25th years of the reign of the same king Edward the 3d, it is accorded, assented, and established, that none shall be taken by Petition, or suggestion made to the king or to his counsel, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ original at the common law; and that none be put out of his franchise or freehold unless he be duly brought in to answer, and forejudged of the same by the course of the law; and if any thing be done against the same it shall be redressed and holden for none: and by another statute, made in the

28th year of the reign of the same king Edward the 3d, it is amongst other things enacted, that no man, of what estate or condition soever he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited without being brought in to answer by due process of law; and by another statute, made in the 42d year of the reign of the said king Edward the 3d, it is enacted, that no man be put to answer without presentment before justices or matter of record, or by due process and writ original according to the old law of the land, and if any thing be done to the contrary it shall be void in law, and holden for ever, and that the petitioners were therefore justified in asserting, that the committal to prison of Mr. John Gale Jones and sir F. Burdett in punishment for libel without trial by juries is a practice unknown to the law, and unwarranted by the constitution, and that the Speaker's warrant has been executed by military force; an Englishman's house, his sanctuary, has been violated, and the blood of unoffending citizens has been shed in the streets, has been proved at the bar of the House, and by two verdicts of wilful murder against certain of his Majesty's life guards; and that the letter of sir F. Burdett to the Speaker, denying the jurisdiction of the House, has been directed not to be entered on the Journals of the House, will appear by reference to their printed votes; and that in the early part of this reign, in the case of Mr. Wilkes, the rights of this country and of the nation, were grossly violated by the House of Commons, that at length the law triumphed, that, after a struggle of nearly twenty years, the House abandoned the pretensions they had arrogated, and expunged from their Journals all their declarations, orders, and resolutions, as being subversive of the rights of the whole body of electors of this kingdom, are facts recorded in the Journals of the House; and that the petitioners have now fully established the truth of the allegations contained in their rejected Petition, and which they know not how to set forth in any but the plain and honest language they have used, language in which they feel justified by precedent, and by the example of the House, who, in the reasons given to the Lords against their claim to appellant jurisdiction, informed their lordships that they were contriving by all methods to bring the determination of liberty and property into the bottomless and insatiable gulph of their lordship's judicature, which would swallow up both the prerogatives of the crown and the liberties of the people; and further, that their lordships had assumed and exercised judicature contrary to the known laws and customs of parliament, and tending to the overthrow of the rights and liberties of the people of England; and as to the number of signatures to their former Petition, the petitioners are guided by the law of the land, which directs that no more than twenty signatures should be affixed to any Petition to the King or either House of Parliament; and against the existence as well as the exercise of the power assumed by the House, the petitioners did in their Petition, and do now, solemnly protest, and they are satisfied that in so protesting they are justified by numerous precedents, particularly by a Petition of the Electors of Westminster inserted in the Journals of the 2d day of February 1785, wherein they solemnly protest against the origin and principle of certain Resolutions of the House, as contrary to the spirit and practice of the constitution, to the plainest provisions both of common and statute law, and to the rights and privileges of the electors of Great Britain; and that the petitioners assure the House they had no intention to degrade the House, they knew that no language they could possibly use could degrade the House; by its own actions alone can it be degraded or exalted in the minds of the people of England; and that the petitioners are firmly attached to, and will uphold, the form of government, cemented by the blood, and established by the wisdom, of their ancestors; they revere the kingly office, they respect the House of Peers, and are of opinion that a House really representing the Commons of the United Kingdom would secure all the blessings of our free constitution; and that persons fairly elected to a seat in such a House would have an honour conferred upon them greater than any which kings or emperors can bestow: how far the House is such a representatation of the people, and how many of the honourable members are thus elected, the petitioners leave to the consideration of the House; although they cannot but remark that when they find on their Journals, uncontradicted and unredressed, that seats in the House are as notoriously rented and bought as standings for cattle at a fair; that the House of Commons does not fully and fairly represent the people of England; that the elective franchise is so partially and unequally distributed, that a majority of the House is elected by less than a two hundredth part of the male population; that the right of voting is regulated by no uniform or rational principle; that Rutland, the smallest, and Yorkshire, the largest county, return the same number of Representatives; and that Cornwall, which, by the census taken by order of Parliament, appears to contain a population of 188,269, returns as many members to the House as the counties of York, Rutland and Middlesex, which, by the same census, contain 1,693,377; that Cornwall and Wilts, containing 373,376 persons, send more Borough members to parliament than Yorkshire, Lancashire, Warwickshire, Middlesex, Worcestershire, and Somersetshire, united, which contain 2,971,026; that 70 of the honourable members are returned by 35 places where the elections are notoriously mere matter of form; that, in addition to the 70 so chosen, 90 more of the honourable members are elected by 46 places, in none of which the number of electors exceed 50; that, in addition to 160 so elected, 37 more of the honourable members are elected by 19 places, in none of which the number of electors exceeds 100; that in addition to the 177 honourable members so chosen, 52 more are returned by 26 places, in none of which the number of voters exceeds 200; that in addition to the 249 so elected, 20 more are returned for counties in Scotland by less than 100 electors each, and 10 for counties in Scotland by less than 250 each; that in addition to the 279 so elected, 13 districts of burghs in Scotland not 100 electors each, and two districts of burghs, not containing 25 each, return 15 more of the honourable members: that in this manner 294 of the honourable members are chosen, which being a decided majority of the entire House of Commons, are enabled to decide all questions in the name of the whole people of Great Britain; that 84 individuals do by their own immediate authority send 157 of the honourable members to parliament; that in addition to these 157 honourable members 150 more, making in the whole 307, are returned to the House not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals added to the 84 before-mentioned, and making the total number of patrons altogether only 154, who return a decided majority of the House; that no less than 150 of the honourable members owe their elections entirely to the interference of peers; and that 40 peers, in defiance to the Resolutions of the House, have possessed themselves of so many burgage tenures, and obtained such an absolute and uncontrouled command in many very small boroughs in the kingdom as to be enabled, by their own positive authority, to return 81 of the honourable members; that seats in the House are sought for at a most extravagant and increasing rate of expence, and that the means taken by candidates to obtain, and by electors to bestow the honour of a seat in the House, evidently appear to have been increasing in a progressive degree of fraud and corruption; and that when the petitioners learn, that a distinct charge having been made in the House against lord Castlereagh and Mr. Perceval, members thereof, and then two of his Majesty's ministers, of having sold a seat therein, the House refused to institute any inquiry, and that trafficking in seats in the House has been avowed to be as notorious as the sun at noon day; and when in addition to these circumstances, they hear the declaration of the Speaker delivered in the House, that the question then before them was no less than this, whether seats in this House shall be henceforth publicly saleable, a proposition at the sound of which our ancestors would have startled with indignation, but a practice, which, in these days, and within these walls, in utter oblivion of every former maxim and feeling of parliament, has been avowed and justified; when they remark these things, the petitioners cannot but believe, that the constitution has been dreadfully impaired; and they therefore repeat their prayer, that the House will follow the example of their predecessors, and expunge all their declarations, orders and resolutions relating to Mr. John Gale Jones and sir F. Burdett, as tending to the subversion of our liberties, and to the introduction of military despotism, and to recal sir F. Burdett to the service of the country in parliament, that he may there enforce that reform which last session he so powerfully recommended, and which in the opinion of the petitioners, is absolutely necessary for the stability and honour of the throne, and the safety and well being of the people; and the petitioners further pray, that their former petition may now be laid on the table of the House."

Mr. *Byng* then moved that it do lie on the table.

Mr. Secretary *Ryder* rose to oppose the motion. He felt it unnecessary to enter into any detail on the various topics of the petition just read, or to repeat any of the arguments opposed to the reception of a former petition substantially the same. He felt it only necessary to call the attention of the House to one prayer of the petition, which desired that the House would receive their former petition, which had been rejected for certain expressions of censure upon the conduct of that House, and being couched in language so offensive and insulting, that the House was bound not to receive it. The present petition included the substance of the former one, and was in the same language.

Mr. *Byng* rose, and assured the right hon. secretary, that the language was not the same, and that the petition differed in many instances.

Mr. Secretary *Ryder* maintained, that if the words were not precisely the same, the petition contained the same censure upon the conduct of the House, and was expressed in language equally objectionable: the former petition was debated in the House on two days, and rejected by a considerable majority. There was another passage in the petition now offered which had caught his ear. It was that which told the House that the ancestors of the petitioners had claimed, and insisted upon, the right of petitioning, and that a rejection of their petition was a violation of that right; and that if the seven bishops who in the detested reign of James 2 had told the king that he acted contrary to the law, and in subversion of the rights of the people, surely they had a right to hold the like language to those whom they considered to be their representatives, if they held the like opinion of their conduct. He should vote against the reception of the petition.

Mr. *Whitbread* said, he was not in the House when the petition was read; but if it was couched in the same language as the one already rejected, he certainly should not be for receiving it. From the speech of the right hon. gent. however, he could understand his principal objection to be, that the petition complained that the House of Commons had subverted the rights of the people, and that such language was not proper for the petitioners to offer, or the House to bear. But, was there any thing new in this assertion? Was it not notorious that the House of Commons had, at different times, subverted the rights of the people? Had it not happened over and over again? He would contend for and maintain the right of the people to express to the House their opinions, whenever they conceived it violated their rights. If the people petitioned to repeal an act which they conceived and stated to be a violation of their rights, what would that be but a censure on the decision of the House of Commons? and he would maintain, that an expression of mere censure upon the decision of the House, was no ground for rejecting a petition. Suppose, as in the year 1759, a complaint was made to the House by a member, that his fishery had been violated by a person who had no authority to meddle with it, and that such a person should be committed for the invasion of the rights of property, would any man say that such a commitment was not a violation of the rights and liberties of the subject? Certainly not; it would be impossible to say that it was not a violation of the liberties of the people, and should a Petition be rejected by the House of Commons, because it stated such an act to be a violation of the liberties of the people? No, it should not. He saw no right that the House of Commons possessed to refuse receiving such a petition as this, merely because it stated that they had violated the rights and liberties of the people. Whether the petitioners were right or wrong in their opinion as to the House having violated, or not having violated, the rights and liberties of the people, was immaterial; it was enough that they thought so; for, if they thought so, they had a right to say so to the House of Commons. If an act of Parliament were passed to enact injustice, the people had a right to petition for its repeal, and that on the ground of its injustice, and so to state it; and, therefore, if they had a right so to state upon an act of Parliament, how much more had they the right to petition against the deed of only one branch of the legislature. The people had a right to petition the King, to petition the House of Lords, and to petition the House of Commons, separately and distinctly, and to state that any act was a violation of justice, if they felt it to be such. This petition said that the House of Commons had violated the rights and liberties of the people.

Had not the House of Commons so done in many instances? and had it not recently done so; upon its power to do so it was not his business to discuss this day; but he had maintained, that the people had a right to say, if they felt that the House of Commons had violated the rights and liberties of the people, nor was it necessary they should ask leave of the right hon. gent. to do so: but this right of petitioning would be annihilated, if this petition was rejected on the ground stated by the right hon. gent. Now the ground of the present petition, as far as it related to the case of sir F. Burdett, was extremely clear, and the conduct of the House had been full of caprice, in the manner it had received and rejected petitions upon that subject, for it had received some petitions the language of which was stronger than the language of others which it had rejected: no fixed rule had been adopted, and while there was this caprice about the receiving of petitions, the people would not know what language they should adopt in framing their petitions.

The *Chancellor of the Exchequer* contended that the hon. gent. who had just preceded him in this debate, had no right to say, that the House of Commons had been too critical as to the words of any petition before it was received; on the contrary, the House had been ready to disclaim, as he did now, all idea of being critical as to the language of a petition; but the House had formed its judgment on petitions on a general view of them, and had drawn their conclusions as well as they were able. But when matters were clear, and when petitions were evidently framed with a view of really insulting the House, they had rejected such petitions. Such, he contended, to be the case with respect to the petition now before the House, and, therefore, he thought the House ought to reject it. It might be perfectly true that the House, in its desire to facilitate the reception of petitions, might have been frequently induced to overlook expressions, which, had they been carefully attended to and scrutinized, would have caused the rejection of such petitions; but the general inclination of the House had been, not to be too nice in finding fault with the manner of wording petitions—in other words, the House had almost gone to sleep, as it were, upon their own dignity in the refusal to receive petitions, and the House had frequently received such petitions as might with propriety have been rejected. That, however, was no reason at all why a petition, improperly worded, should not be rejected, and this should always be the case when it was manifestly the intention of the party framing the petition, to insult the House. The parties in such a case could never, with propriety, be said to be disappointed. Now, as to the tenour of the present petition, it was in that language which the House had already determined not to receive—with this notice, that the House would not receive this language, since it had refused to do so already, the petitioners persisted in using it. In some recent cases, petitioners had mollified their language, and their petitions had been received in the second instance, although refused in the first: but this petition was so far otherwise, that whatever there was of difference between this and the last petition, this was made more objectionable; and indeed, the very request that the House should receive that which the House had rejected, was, of itself, an extremely unreasonable request; and, therefore, he had no hesitation in saying, that, in his view of this matter, the present petition ought to be rejected.

The question that the petition do lie on the table, was then negatived without a division.

[PETITION FROM SHEFFIELD FOR THE RELEASE OF SIR F. BURDETT, &c.] Mr. Whitbread presented an Address and Petition of the freeholders and inhabitants of the town and neighbourhood of Sheffield, assembled at a public meeting exceeding in number upwards of 6,000, held the 6th day of June, 1810, setting forth, "That, convinced as the petitioners unalterably are, that the House is one of the main pillars of our admirable constitution (to which they are sincerely attached), it is with unfeigned regret they are compelled to consider that the House have departed, in some respects, from the peculiar design of their institution, by combining the executive with the legislative functions, an evil which the penetrating Montesquieu foresaw might befal this happy country, and of which he predicted, the petitioners fear, too truly, that should it ever come to pass, it would effect the speedy decay and eventual destruction of our liberties; and that, without recurring to other acts of the House, which have appeared to evince a disregard for the sentiments of their constituents, and to indicate that the House are only nominally their representatives, the petitioners will at present confine themselves to the cases of Mr. John Gale Jones and sir Francis Burdett, not without some hope that the House will regret the severity of their proceedings towards those freeborn subjects of our lawful Sovereign, and will feel bound to restore them to their liberty, of which the petitioners conceive they have been unconstitutionally deprived; and that they are well aware the House has frequently claimed and exercised the right of imprisoning persons, members of the House of Commons, and also others not being members thereof; but the petitioners cannot help regarding such right as opposed to the law of the land and subversive of their personal security; and that, on former occasions, when the claim and exercise of the privilege in question have been resisted, the House, by adjourning beyond the time fixed for continuing the discussion upon such privilege, or by forbearing to persist in the resolutions they had passed, have frequently shewn the uncertain tenure of such claims, and tacitly admitted their inexperience; it is because the exercise of this assumed privilege has been generally accompanied with so much lenity, that it has not been viewed with that deep abhorrence which the petitioners conceive its undefined and obnoxious nature is calculated to excite, and which has been described in the truest and most decisive language by that friend of the people, that firm supporter of injured innocence, sir Francis Burdett; they beg leave respectfully to state to the House, that they coincide entirely with the learned argument used by the patriotic baronet, and deem it unanswered and unanswerable; and that, while therefore they fully admit the propriety of the House removing impediments to the freedom of debate; while they readily acquiesce in their right of punishing witnesses at their bar for contempt and prevarication; while they object to no privileges which have for their sole design the prevention and removal of every obstacle to the discussion of those important subjects, and the pursuit of those necessary enquiries which so frequently occupy the House; yet, in cases like those of Mr. John Gale Jones and sir Francis Burdett, cases wherein no violence was offered to their liberty of speech, no opposition made to their debates, no interruption given to their access to the House of Commons, nor any restraint upon their persons attempted; in such cases, the petitioners are decidedly of opinion, that they ought not to acknowledge their privilege; and they do most solemnly call upon the House to renounce what they must deem an improper assumption of needless power; and they earnestly beseech the House, to consider that Britons have rights which they ought never to relinquish, rights bought with the best blood of their forefathers, transmitted by them through a long line of patriotic ancestry, and bequeathed as the noblest inheritance to their children; and that for the exercise of one of these unalienable rights, through the medium of a free press, has the House punished two of our countrymen, setting aside the ordinary course of law, and, in their own cause, taking upon themselves the office which the petitioners humbly maintain belongs only to a jury, that of deciding whether a publication be libellous or not; at the same time the petitioners lament to learn, that, in the execution of the Speaker's warrant, undue violence has been used to that law which regards an Englishman's house as his castle; and that, with this needless and terrific stretch of privilege, the petitioners cannot but be dissatisfied, as they feel that not even their own representatives ought on any occasion, to have the right or power of dispensing with the charter of our liberties; and they imagine that they perceive another danger arising from their possession of privileges unlimited by law, which, if it were the sole danger, would prove their impropriety: If the two Houses of Parliament have power to define their own privileges, each may assert such as are incompatible with those of the other, and which, by their clashing interests, may produce the evils of anarchy and civil war; here the petitioners cannot refrain from adverting to certain sentiments said to have been delivered in the House, they mean hints, they had almost said directions, given to the judges of the land, as to their future conduct in the actions brought by sir F. Burdett against the Speaker of the House of Commons and the Serjeant at Arms; while they regard those sentiments with indignation, they trust that the judges are so independent as to treat all such intimations, wherever and by whomsoever they may have been uttered, with deserved contempt, and that the court of King's bench will satisfy the country that to Britons there is no wrong without a remedy, and that by them no violence can be suffered without an appeal to the law;' and the petitioners solemnly assure the House, that they regard the afore-mentioned rigorous treatment of British subjects, and many of the various evils which affect the state, as arising immediately from the wretched policy of a weak and intolerant ministry, but primarily from the imperfect state of the representation of the people: The petition presented by Mr. Grey, now lord Grey, in 1793, at the bar of the House, fully details the most shameful abuses in the election of members of parliament; and numerous petitions since that time, some of them very recent, have made it unnecessary for the petitioners to expatiate on those grievances and abuses: here they must however take this opportunity to complain that those grievances and abuses not only remain uncorrected, but, judging from sundry recent proceedings of the House, they fear that it is the determination of a majority of their members to perpetuate practices which are avowedly the disgrace of many borough elections, which are in direct violation of the purity of the House, and which exist in open defiance of the strong resolutions upon that subject read by Mr. Madocks when he made his motion respecting the correct traffic and revocation of a seat by two of his Majesty's ministers, in the case of Mr. Quintin Dick, into which case, flagrant and aggravated as it appeared, the House refused to make any enquiry: and that, under all these circumstances, the petitioners cannot, without the greatest sorrow, contemplate the fate of Mr. Brand's motion on the subject of Parliamentary Reform, a motion which had for its object only the formation of a Committee to enquire into the expediency of reform; and they earnestly urge the House to re-consider this subject, which, as inseparably connected with the peace and prosperity of the country, the petitioners have most seriously at heart, being confidently persuaded that the disfranchisement of decayed boroughs, the extension of elective rights to populous towns, and triennial parliaments, so far from being encroachments upon the constitution of this kingdom, are indispensibly necessary for its preservation."

This Petition being read, Mr. Whitbread moved, That it do lie upon the table.

Mr. Secretary *Ryder* was clearly of opinion, that the moment the House took the trouble of examining, with attention, the language and the sentiments of this petition, they would see the impossibility of receiving it consistently with any of the rules by which the House had been guided in the reception of petitions; for the petition stated, expressly, that in the exercise of privilege by the House, in the case of the imprisonment of sir F. Burdett, the House had acted in a manner that was not agreeable to the law of the land. He thought that no set of persons, under colour of a petition, ought to be allowed to approach the House of Commons and thus attack its privileges. The case to which the petition referred, was one decided by a large majority. It was incompatible with the existence of the privilege of the House, that persons should be thus allowed to approach it, and state to the House that they ought not to acknowledge its privilege. This he considered in the light of a declaration of resistance to the law of the land, which the House of Commons should not suffer. In another part of this petition the House of Commons was considered as only nominally the representation of the people. The House must decide for itself, whether it would allow any description of men thus to insult it; for his part, he thought it a duty, which the House owed to itself, to tell such persons as these petitioners, that the House would not endure such language as that which was contained in this petition.

Lord *Milton* said, that although his own sentiments were known to differ from those of this petition, and though the expressions in it were not so guarded as they ought to be, yet he knew it came from a class of persons who would not be disposed to offer any thing offensive or disrespectful to the House. All classes of petitioners must not be supposed competent judges of the precise language which the House would deem sufficiently decorous; and when men complained of what they conceived to be grievances, some latitude of expression must be allowed them; otherwise he did not know what was likely to become of the right of petitioning.

Mr. *Wallace* spoke against receiving the petition, on the ground of due regard to the dignity of that House.

Mr. *Calcraft* hoped the House did not mean to pursue this indignant course of rejecting the petitions of the people. Five or six weeks ago, when the first of the petitions on these subjects was offered to the House, those who opposed it seemed to feel it was but decorous at least calmly to examine and discuss its contents, before they proceeded to rejection, and therefore agreed to adjourn the debate upon it to another day, that the House might have an opportunity of due deliberation. But of late they proceeded to reject almost *instanter*. He thought it would be only consistent with the respect the House owed to the people who approached that House, with their petitions, to adjourn this discussion till to-morrow, and he moved accordingly that the debate be adjourned.

General *Tarleton* felt alarmed at the expressions of the right hon. secretary upon the subject now before the House, for if petitions were to be rejected for the reasons he assigned, the right of petitioning would be lost for ever. The right hon. gent. had been judge-advocate of the army, and as such of course attached to military discipline, and brought with him that discipline into the House, and dictated to the House of Commons what petitions it ought to receive, what petitions it ought to reject, and what language the people of England were to hold in their petitions, all upon pure military principles of command, and expectation of obedience. He had better, while about it, give out a model or copy of the form and language of the petitions which he would be pleased in future to receive; the truth was, he believed that such petitions as were intended for the King, went into the office of the right hon. gent. if palatable to him, they were presented to his Majesty, if not, they remained upon his shelf like waste paper—many petitions had been received by the secretary of state and treated in this way. When the people of England conceived they had the heaviest grievances to complain of, then was the right of petition abridged by the right hon. gent. Of all the doctrine he had ever heard on the subject of the right to petition, that contained in the speech of the secretary of state to-night was the most alarming if it was adopted: the right of petition in this country would be no more than that which was allowed in the most despotic government. If these military notions were to govern the right of petition, the constitution of England was, indeed, in great danger.

The *Attorney-General*, was glad the hon. officer who had just spoken was so cordial in his desire to keep military discipline out of view in the consideration of the civil rights of the subject; he could not help congratulating the House upon such a display of zeal for civil instead of military efforts for the preservation of the constitution, which he was glad to see so conspicuously in the disposition of the gallant officer, notwithstanding his military education. He had, however, contented himself with that display of zeal for the civil rights of the subjects, for he had not argued one point of it. With respect to the petition itself, the three first paragraphs of it were such, that the House could not receive it, for it was intirely deficient in that respect with which the House ought to be approached. Here he read the paragraphs in the petition, which related to sir F. Burdett and John Gale Jones: and then maintained, that the saying the House of Commons was only nominally the representation of the people was insufferable, and that a petition containing such sentiments, and expressed in such language, ought not to be received.

Mr. *Baring* was of opinion that there was not in the general tenor of the petition any intention to insult the House. He therefore hoped, that it would be received. By doing so, they would give an assurance to the country that they were not inclined to look nicely to the terms in which complaints were brought before them, but that they were ready to listen to every petition which was not clearly objectionable. He asked, were not the decisions of the House as to Gale Jones and sir F. Burdett, as open to discussion by the public as any other measure which might come before the House?

Mr. *Stephen* referred to that part of the petition where allusion was made to certain speeches said to have been made in that House for the intimidation of the judges, which the petitioners stated had filled them with indignation, and which they hoped the judges would treat with contempt. The House refused the right of alluding to former debates to their own members, and were they to suffer it to be exercised by these petitioners. This petition did, indeed, go further than some others in allowing, that the members of that House were not jostled or hustled in the lobby, or when coming to attend their business in parliament. This, probably, was one of the reasons which induced the petitioners to select the hon. gent. opposite to present the petition, they having been pleased to allow him a liberty which his friends at a late meeting in the city did not seem willing to concede to him.

Mr. *Whitbread* was satisfied that the hon. and learned gent. was not present at the meeting to which he referred. He could not, therefore, suppose that he was the person who had given to the ministerial papers a false report of the proceedings of that meeting, where he assured the hon. and learned gent. he had been treated with great civility. The testimony of the noble lord (Milton) he thought sufficient to satisfy the House that the petitioners could have no intention to offer them an insult. Such a declaration from the noble lord in the present instance was truly magnanimous. The petition went to approve of the argument of sir F. Burdett, but not of every expression in that argument; therefore, that could not be to insult the House. The petitioners stated that they did not acknowledge the privileges of the House. Neither had sir F. Burdett acknowledged it, and it had now gone, high as it was lately represented to stand, to be tried before a court of law, which a right hon. gent. (Mr. Yorke) had confessed was the proper tribunal. The conduct of the House in the rejection of the petitions on this subject, he contended had been capricious in the extreme.

The *Chancellor of the Exchequer* said, it was sufficient to look to the language of the petition to decide that it ought to be rejected.

Mr. *W. Smith* contended, that as the petition only approved of the argument, and not of the expressions used by the hon. bart. and as it was admitted on all hands that the hon. bart. had a right to argue the question of privilege, therefore there could be nothing derogatory to the dignity of the House in the petitioners approving of the argument.

Mr. *Yorke* was for rejecting the petition, conceiving it to be part of the system now on foot for bringing down that House, and against which so long as he held a seat in it, he was resolved to set his face. He had been accused of saying, that the court of King's Bench was the proper tribunal to try these proceedings. He had not said so in unqualified terms. He had not said that it was the only proper tribunal. He was convinced that the House was the proper judge of its own privileges; but, considering the delusion under which part of the public laboured, he thought it a fortunate circumstance that the proceedings had gone to a tribunal where the privileges of the House would be confirmed; as the court of King's Bench would only have to say if it was or was not a privilege of parliament; and if it was, then they must naturally add—"it is too high for us to meddle with."

Mr. *C. W. Wynn* observed, that he differed from the right hon gent. entirely as to his notion of the manner in which the privileges of the House ought to be defended; neither the King's Bench nor the House of Lords ought to take cognizance of them at all. He had no objection to the postponement, but he had no doubt that the petition ought to be rejected.

The House then divided.—For the postponement 14—Against it 61—Majority 47. The Petition was then rejected.

[COURT OF ADMIRALTY.] Lord *Cochrane* rose and spoke as follows: Sir; Did the cause, which I have undertaken, rest on proof less clear than the evidence of facts, that lie on the table of this House, I should despair of success: as well from a knowledge of myself, as from the zeal of learned gentlemen, whose habits, and, in justice, whose ability, could make

> The cobwebs on a dungeon wall,
> Seem tap'stry in a lordly hall:
> A nut-shell seem a gilded barge;
> A cottage seem a palace large;
> And youth seem age—and age seem youth.

Perhaps the learned gentleman opposite, can aid my remembrance of the last line. [Mr. Stephen, who on a former night made use of the same quotation.] However that may be, it is in the recollection of the House, that on a former evening, I stated the extent to which the commerce of the enemy is freely carried on: from Italy by Leghorn, Genoa, Toulon and Marseilles; through Cette and Bone to Bourdeaux; thence down the Garonne, by Rochfort, Brest, and the Seine, to Holland and the northern extremity of Europe. I mentioned, that the cultivators of the vine thus receive articles of primary necessity: corn, flour, butter, cheese, and salt provisions; and return their dried fruits, wine, oil, brandy, wax, cotton, silk, and the various productions of the south: at once affording materials to their manufacturers: gain to their merchants: occupation to thousands in the shipments: a revenue to the state, and employment to their mariners. Thus administering to the wants and luxuries of all the inhabitants, of the various climates of that vast empire. —It is not so much by his own strength, that Napoleon has acquired his present greatness, as by our supineness and want of energy. The governments which he has crushed, have fallen rather under the weight of their own corruption, unremedied and unredressed, than by any effort of his.—Possessed of power, as we are, greater than the united navies of the world, should the commerce of the enemy be allowed to flourish, to an extent, incredible as it may appear, greater in number of vessels, and in number of men, than when ancient France had colonies and fleets to defend it. If this is denied, send a deputation and I will prove the fact.—Turn towards the Thames, and you will perceive it covered with foreign ships! Look at the estimate of our trade to Europe, on the table of this House, and you will perceive, that the number of British sailors, employed in it, is 16,000! while the foreign seamen, trading to our ports, amount to 29,000: and, of the sixteen thousand nominally ours, let it be remembered, that one-third are foreigners; making the ratio against England, and in favour of the continent, as a nursery for seamen, in the proportion of 35 to 10.—In the three last years, the British seamen, in this trade, notwithstanding the intercourse with Spain has been opened, have decreased more than one twentieth annually, or as 21 to 17: while the mariners of the continent, trading to England, have augmented from 23,000 to 29,000! Our tonnage has fallen as is 37 to 25, or nearly one-third; while the carrying trade to our ports and rivers has risen from 417,000 to 560,000 tons! Our tonnage, imports and exports added together, does only equal the inward foreign tonnage alone. I speak from a document on the table of this House.

Thus do we supply the sinews of war, to the ruler of continental Europe; an enemy who, however powerful, however rancorous his hate, is less to be dreaded, than the effects of our own narrow views and contemptible counsels. Well may the French government say, that "the "English ministry, through the fogs of "London, see nothing;" "and that the "statesmen of England, carry not their "political views beyond those of a city "counting-house:" a just remark, that brings to my remembrance a Spanish proverb, which I have often heard the people apply, when speaking of our measures: "Quando los ciegos, conducen ciegos, "ambos coren peligro de caer en el "hoyo."—Had we fallen into this state, in spite of every vigorous effort, then would there be no hope of remedy. This, Sir, is not the fact. Were the conduct of the war entrusted to men capable of directing the force of this kingdom,—aye, half the force of this kingdom,—in twelve months there would be an end to hostilities.—Would the enemy, with our naval superiority, and an inferior army, pitch that army in the interior of a country, to crawl along thirty inches at a step, and that too, in a direction which the enemy must always know as well as ourselves—and which it is impossible to conceal; when, for such time as might suit our purposes, we could, by desultory movements, command, with a small military force, every part of the coast of France, or any other under the dominion of France, from the Tiber to the Elbe, and occupy on the defensive, two hundred thousand of the enemy, who must be maintained at the expence of the treasury of France; and not as now is the case, at the cost of those whom we call our allies?—Tacitus, that penetrating historian, who dived into the hidden motives of men, of those, who under the mask of patriotism, and under the cloak of zeal, for the public welfare, brought ruin on the Roman state, has left a lesson, by which mankind might be instructed. A wise government should guard against evils, which may spring from the weakness of our nature; it is not sufficient to correct evils, when their consequences are felt.—Far be it from me to impute to sinister motives, or ascribe to personal views, the prolongation of the miseries of our country. It is not enough, however, to be guiltless; public men ought to be not only pure, but unsuspected. I am, therefore, averse to a revenue, arising from war, even to the crown itself, the fountain of justice and of honour; still more so to the principles of the bill, now before the House, to secure, during the joint lives of the right hon. the Chancellor of the Exchequer, and his brother, an immense war emolument, [33,000*l.* a year, as registrar of the admiralty court,] to be derived from the navy, or from any other source.

Is it sufficient that we possess a thousand ships floating unresisted on the ocean, or that the admiralty have a map of their situations, which the enemy know as well as themselves? To call forth the powers of the navy, if a stimulus is unnecessary, and if patriotism suffice, as one officer has told us, open the field to patriotic exer-

and support an insurable interest, in matters of prize, which have been contested and recovered by captors, though the policy of insurance was entered into, prior to condemnation. In the admiralty court itself, if a captor is to be examined, prior to condemnation, he must release his interest in the capture, for which he receives an equivalent: this has happened to me. The remedy of a neutral, is against the commanding officer of the ship, that detained him, not against the crown. If the commanding officer, who detains a vessel, cannot shew sufficient cause for the detention, which depends on the King's proctor, he will be compelled to pay the costs, damage, and demurrage, arising from the capture. Ought he not, then, to be allowed the right, a right secured to all other his Majesty's subjects, to choose his own counsel? In fact, Sir, there is no reason, no motive for the regulation, which gives such extraordinary powers to the King's proctor, but to secure a monopoly, and with it, an immense revenue to the law officers of the crown, who have hitherto possessed influence, sufficient to continue, in defiance of justice, that which Crespeignie, the member of parliament, obtained by his interest.

Improper as the appointment and limitation was, at that period, it has become still more improper of late years: partly on account of the new system, of sweeping the seas, on behalf of the crown, prior to hostilities, whereby his Majesty's procurator general is often compelled to act in a double capacity, as he is at other times, and, in his single person, to assert the interests of the crown against the captors, whose interest he is also bound to defend. A monstrous abuse, that violates every principle of justice and the law.

His Majesty's procurator general has often been known, even during the hearing of a cause in court, and while asserting the captor's claims, to desert at once, the interests of the navy, and support those of the crown. It may be urged, that, in such cases, the procurator appoints some one to act for him, on behalf of the navy; which only shews, that the captors should possess the exercise of a right, which the King's proctor usurps. The learned gentlemen seem to dissent from the statements I have made, that the proctor gives a preference to the interests of the crown.—If it is not so, let the learned gentleman shew, that he has pursued an opposite line of conduct, and neglected his duty to the crown, to promote that of the captors.

What man, Sir, in his senses, would commit the litigation of neutrals, in which so much attention is necessary, to detect the perjury and fraud, with which these cases frequently abound, to the procurator general, who has often the conduct of nearly 2,000 causes at once? On the 3d of June 1806, he libelled 16 vessels; on the 4th 10; 5th 16; 6th 20; 7th 28; and on the 9th 36; which would require him, not only to read, but, if he did his duty, to understand perfectly, every shade of distinction, and every circumstance, relative to these cases, occupying, at least, nine times as much as these four, [the four cases, then before the House,] or about 1,100 sides of paper. On the 10th he had 9 vessels, 11th 17; 12th 18; 13th 13; and on the 30th 23. November 1807, 18th 16; 19th 59; 20th 44; 21st 31; 23rd 23; and on the 24th 31 vessels.

Is it possible, Sir, that any human being can, let his ability be what it may, perform such a task? With such terrifying contemplations ever in my mind, I am neither ashamed nor afraid to avow, that I never brought a neutral before a court of admiralty, even under the late prize distribution; because I did not choose to risk my property, and place my personal liberty in the hands of an advocate, forced upon me, in whom I could not place the least confidence, who in the nature of things, cannot attend to my affairs; and against whom I have no remedy, no redress, even if he misconducts himself!! The commanding officer alone, is responsible for the expences and damages, arising from the seizures he makes; and the late regulation, which cuts off one-third of his share, is not likely to encourage him. The council may decree, and the admiralty may order; but the will of action rests with the commanding officer.

Sir, it will appear in the case of the Two Sisters, and Experiment, that the 555*l.* paid to the king's proctor, includes a new kind of charge: "For arranging and preparing evidence!" The admiralty proctor is paid 73*l.*—for what, I know not: the captors are likewise saddled with the expences of the claimants, who litigated the capture against them, viz. "Mr. Toller "proctor's bill, for the claimant, 319*l.* 16*s.* "10*d.*!" and the registrar, who kept the money during the time of litigation, was paid the sum of 91*l.* 10*s.* 6*d.* for the trouble of receiving it, and, probably, putting it to interest, for his own benefit, which he might do, if he thought proper, and I conclude he did not neglect it.

The agent charged 5*l.* per cent. on the gross value of the vessels, and agency too, for the money which he put into his own pocket! I have but one observation farther to make on this bill, which I consider fraudulent; it was exhibited by the king's proctor himself! which appears by an endorsement, and for which this House had to call a second time, as it was withheld, when the papers were first delivered into, and printed for the use of this House. The endorsement runs thus: "Exhibited "by K. P.;" though there is no minute of court, returned to this House, of his having done so!

What check have the navy against such conduct, such neglect? If they have cause of complaint, through him they must complain! No other person can assert a right, or protest against a grievance, in the court of admiralty, on behalf of the navy of England! Some gentlemen contend, that we have a check against improper charges, and say, you may lay your accounts before the registrar, who will tax them. Yes, Sir, he will tax them, as he did the bill relative to the Danish vessels, at Yarmouth, the amount of which was 1,309*l.* 7*s.* 11*d.* from which he deducted 63*l.*; and for the trouble it gave him, put it in his own pocket, though the whole might have been examined in ten minutes!! *

One would have thought, Sir, that the procurator general, possessing a revenue, of at least 40,000*l.* a year from the navy, for the discharge of a duty, the tenth part of which he cannot himself perform, would have rested satisfied, without endeavouring, by an alteration in the address of his Majesty's warrant, to secure more business, and an additional fee, under the pretext of guarding the interests of the crown, against those of individuals: a pretext which I shall prove to be totally unfounded, in every respect.

The proper time, Sir, "to take care, "that all expences, incurred on behalf of "the crown, should be first deducted out of "the proceeds, and to ascertain, whether "any part of the property had been claimed, for which a memorial had been given "by the captors," is that time, when his Majesty's procurator general has, *ex officio*, the memorial of the captors laid before him, by command of the lords commissioners of the treasury, "For his consideration and report theron:" although, when thus executing his duty solely as an officer of the crown, and guarding its interests, was he not paid by the captors also, whose claims he must of necessity have opposed?

That the interests of the crown are thus guarded, I will prove by the proctor's own report to the lords of the treasury, previous to the warrant being made out: thus, "Your lordships being pleased to refer "the said memorial to me, for my consideration and report thereupon, I have inspected the proceedings had, in the high "court of admiralty, in respect to the said "ship and cargo, and found, that claims "were given for various parts of the cargo, "which have been decreed to be restored, "and also for the ship, which, together with "the unclaimed parts of the cargo, (save "sundry goods, which were ordered to be "restored, by his Majesty in council) were "condemned to his Majesty, taken by his "Majesty's ship Acasta," "prior to the "declaration of hostilities against the Batavian republic; and that the sum of "12,153*l.* 16*s.* 8*d.* is now remaining in the "registry, as the net proceeds thereof, subject to the expence of proceedings; and "having laid the said memorial, and statement of the said proceedings, before his "Majesty's advocate general, and consulted him thereon, I do under his advice, farther most humbly report to your lordships "that a grant of two thirds of the net proceeds, after payment of expences, will be "a fit remuneration to the captors." Now, Sir, is it possible to conceive a more ample opportunity, than is thus afforded to his Majesty's procurator, to guard the interests of the crown, or any other, that might connect with the memorial? yet, we find him sending back the warrant which, by his own report, granted "the fit remuneration to the captors;" a remuneration founded, not only in his own opinion, but that of "his Majesty's advocate general." Here are his own words, when he sent that warrant back to the lords of the treasury, on the 26th January 1805: "the difficulty, "in this case, appears to have arisen from "the warrant not having been addressed, in "the usual way, to be exhibited by the "king's proctor, nor having been directed "to him, jointly with the registrar, as sub-

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* The following is an illustration of the fact. "Received, 10th June 1806, of John "Crockett, esq. marshal of the admiralty, "63*l.* being the sum allotted to the registrar "and merchants, for looking over, perusing, "and settling the accounts of H. Howard, "esq. pursuant to the king's warrant, dated "the 15th May 1806. (Signed)
£.63 J. R. Wheeler."

"mitted to their lordships, in the case of "Yonge Jean en Pieter, "and it is humbly "recommended, to their lordships, to amend "the warrant, by inserting the name of the "king's proctor, in the address." To amend the warrant by inserting the name of the king's proctor in the address!! "who "will then take care to ascertain, whether "any part of the property has been claim-"ed, or applied for by memorial;" "and "will also take care, that all expences in-"curred on behalf of the crown, shall be first "deducted out of the proceeds."* A very different reason indeed, from that which, almost immediately before, he assigns, namely, "that the registrar of the court of "admiralty, had refused to comply with the "grant until their lordships had certified, "that no claim or memorial, of the nature "alluded to, had been presented:" And mark, Sir, that this address, which the king's proctor, on the 26th day of January 1805, is pleased to call "the usual way," was never so considered to be, by the lords of the treasury, until five days afterwards: namely, on the 1st of February 1805, when, in consequence of the return of the warrant, by the king's proctor, their lordships say, "let the warrant be amended "accordingly; and let care be taken to in-"sert these words, 'in all future warrants, "granting the proceeds of prizes, to cap-"tors,' "our will and pleasure is, and we "do hereby direct and authorize you, our "procurator general, to exhibit this our "warrant: and you the registrar of our "high court of admiralty, on the same "beng exhibited, by our said procurator "general, to pay, &c.'"

Sir, I must crave your indulgence while making so dry a statement? but I consider the country to be deeply interested in it, inasmuch, as owing to the abuses which exist, that duty, which is necessary to its prosperity, is left unperformed. I wish, Sir, that all these considerations:—I wish that the agreement between the King's advocate and King's proctor's clerk, with William Moir, "a British subject, and a naturalized Dane and Prussian," thanked by the French commissary of marine, "for services rendered last war," were in abler hands, in the hands of members of this House, who could do justice to the subject. By this unwarrantable transaction with Moir, 30 per cent., out of the proceeds of the timber cargoes, was paid, nominally, for proofs to condemn; proofs, which never were produced; which the advocate and proctor did not dare to produce to the court of admiralty; proofs which the learned judge never saw, and on which, of consequence, he did not pronounce judgment; if he did, let him avow the fact, and then I should ask, how came the Tweeling Regit to be restored to Moir, on the 28th of July 1804, twenty-three days after these nominal proofs to condemn, had been delivered, and after they had been sworn to, before the surrogate of the admiralty? How came the various causes to be litigated, for a long period, in the court of admiralty, and the Tweeling Regit to have been contested, from the 20th Sept. 1803 until the 16th April 1807, or nearly four years, during almost the whole of which time, it is worthy of remark, the money remained in the registrar's hands? Will the learned judge of the Admiralty avow that he, the judge of the Admiralty of England! carried on mock prosecutions; and that, in possession of facts to condemn he suffered proof after proof to be exhibited: and Mr. Staniforth, a member of this House, to make affidavits, which he, the judge, knew to be unfounded?—No, Sir, I am confident that the learned judge did not; and that he was ignorant of the documents, for which the shelves of the proctor's office have been ransacked, by the learned gentlemen opposite.

Then, Sir, if such was the true state of things, Moir was not entitled to the 30 per cent., given by the king's advocate, and proctor's clerk, for his proofs, some of which, if I am correct, were not even translated, from the French and German, until required, for the use of this House.

There are letters here, to shew, as it is stated, that the agents agreed to this transaction; but I must contend, that, that is no proof of its rectitude, even if those agents had a right to do so. But, Sir, Mr. Cook, agent in the case of the Tutela, was compelled, by the influence and authority of the king's proctor, to conform to the transaction, and pay the sum of 900*l.* before he could leave his office, under the threat of the reversal of the sentence that had been pronounced, a threat which must have had a powerful effect on his mind, as it is evident, by the proofs before the court, that the condemnation should have passed in favour of the crown. The agents had no right to enter into any such agreement—no, even although the transaction had been sanctioned by all the admirals, and captains of the capturing ships, because they cannot compromise the rights of those, who serve under their command, without consulting them, and without their expressed consent. It is idle to argue upon this: even if the letters of approbation from the agents had been obtained, before the agreement was finally made, by the learned advocate, and the proctor's clerk; or, as that learned gentleman says, by the proctor's clerk alone; who, however, does not admit the fact, in his report of the proceedings had, in that case, if we may judge by the following passage;—"5th July 1804, Memorandum;—attended at the King's advocate's, and there met Mr. Moir, who said, "that he should consider himself entitled to "a moiety of the proceeds. The King's "advocate thereupon stated, that he knew "of no instance, in which an individual "was rewarded with more than one third, "and alluded to the case of governor "Browne and Mr. Daniel, where seizures "and condemnation had taken place, "through their means."

I beg, Sir, you will remark, that Mr. Browne and Mr. Daniel were paid out of the droits, and I submit, so Moir should have been; and I defy the learned gentleman to shew one instance, wherein the captor's interests have been compromised, in a manner similar to the case in discussion. The proctor's clerk in his statement adds, "no other interview ever took place "with the king's advocate, Mr. Moir "and myself at all, relating to the remuneration before agreed to; it being considered as perfectly arranged and settled, at the time, and in the manner "before mentioned," that is, on the 5th of July 1804, twenty one days before they had obtained the sanction of the agents, as appears by their letters on the table!

I trust, Sir, that I have made it appear sufficiently clear, that the cargoes of naval stores were not condemned, in consequence of any information given by Moir, or of documents procured from him. I shall now shew, by the evidence of dates, and indisputable facts upon record, that Moir's information, as it is called, did not even tend to the capture of the vessels and cargoes condemned; and that the Tweeling Regit, and Handriek and Jan, were taken before it is pretended, that his first information was given. The Tweeling Regit was actually libelled, in the Admiralty court, on the 20th of September 1803. Moir's first letter to lord Keith, is dated the 30th of that month, but was not received by his lordship, until the 16th of October; when his lordship wrote to the Admiralty on the subject, and on the 18th of October, received the secretary's acknowledgment, and his information to Mr. Nicholas was given about the same time, as that to lord Keith.

In short, Sir, Moir, finding his vessels, laden with naval stores, had been seized by the British cruizers, and that the property, for the cloaking and neutralizing of which he was to have received two and a half per cent. from the French commissary of marine, actually libelled, in the Admiralty court of England, where he dared not appear, as is tolerably evident from the following passage in a letter from Mr. Mitchell, the British consul at Hamburgh, to Mr. Arbuthnot: "Mr. Moir's apprehensions arise from this circumstance of "his house, at Memel, having undertaken "to neutralize twenty-eight or thirty of "the cargoes of masts, enemy's property." "He is rather at a loss how to act, especially being a subject of the King;" and being thus aware of his danger, and despairing of the recovery of his cargoes, from a knowledge of the wickedness of his acts, which he concluded would be discovered, and which was actually the case, as the judge did not condemn on his information, he resolved to make the best of his situation, and try if any thing could be obtained, from the British government, for information, relative to the cargoes, which their cruizers had seized.

He succeeded, and was informed by lord Hawkesbury that "his Majesty's government would behave towards him "with the most perfect liberality;" and that "the conduct of his government "would be such, as should appear to him "perfectly satisfactory." This must have been very gratifying to him, as he immediately came over to England: appeared in the court of admiralty and claimed four of the vessels, as his own, which he had previously informed against, as enemy's property! He exhibited proof to obtain their liberation, then farther proof; and, being still unsuccessful, "protested of a grievance, and of appealing."

Protected by the assurances of his Majesty's government, Moir appeared before the court as a claimant; and yet, Sir, upon all the vessels, those taken before he informed or pretended to have informed, those condemned without his assistance, and those condemned in spite of his claims, he received, by the advice of his Majesty's advocate-general, by agreement with the clerk of the King's proctor, enforced by the proctor himself, 30 per cent., or upwards of 25,000*l.* sterling; and in addition to this, a thing scarce to be credited, the grant of a whole ship, (the Flora), hull and cargo, upon a memorial to the lords of the treasury, evidently drawn up in the office of the King's proctor, to whom afterwards it was referred, in his capacity of defender of the interests of the crown! And the King's proctor in his report, actually assigns, as an additional title to the thing claimed, a reason, which is not to be found in the memorial itself!!

I trust, Sir, that those matters, to which I have imperfectly called your attention, will be taken into the serious consideration of this House. They do not originate with me—they have been long felt by the navy, although not so injurious to it, as to the interests of the country. The noble lord concluded with moving: "1. "That the officers and seamen of his Majesty's navy are entitled to the highest "consideration and support from this House; "and that every inducement should be employed, to call forth their energies and "animate their exertions. 2. That it appears to this House, that by an order in "council, of queen Anne, 1st April 1708, "founded upon the opinion of the then law "officers of the crown, the proceedings in "the court of admiralty against prizes, taken "by ships of war, were directed to be in "her Majesty's name, as formerly, but the "captors to have leave to come into the "cause, for their interests. 3. That this "order has been virtually suspended, and "the wisdom and policy thereof defeated, "by an order in council dated 29th March "1779, under which the King's procurator "general, in the court of admiralty, was appointed sole procurator for the navy, and "thereby entrusted, in the same cause, with "the defence of the rights of the crown, and "of the claims of the captors; interests frequently distinct, and often directly opposed to each other. And, 4. That it is "essentially requisite, in order to give full "effect to the beneficial intentions towards "the navy, so frequently evinced by his "Majesty and the legislature, that in all "prize causes, the captors be allowed to "come into the cause as formerly, and to "employ such advocates, counsel, and "proctors, as they may think proper to "prosecute their claims or defend their interests."

Sir *John Nicholl* (the King's Advocate) after apologizing to the House for producing these papers, a circumstance which had a tendency to be injurious to the public service, entered into a detail of the circumstances of the case of Moir, from which it appeared that Moir had, at the breaking out of the war, given information of a purchase made by the French government of naval stores, at Riga, the property to be neutralized at Embden—in consequence of which the ships had been captured and put into a course of condemnation. For this 30 per cent. had been allowed to Moir, which was not more than the usual remuneration. This business could not have been effected unless it had been transacted by the legal officers of the crown. The captors had been perfectly satisfied with this arrangement, to which their agents had assented. They made the captures by the direction of the admiralty, and without the information given by Moir, they could never have been made at all. The captors, therefore, had been saved from all responsibility in the first place; and as the ships of which Moir had given information, could never have been taken except through his means, the whole sum received by the captors from these ships they owed to Moir. Upon the breaking out of the war with Prussia, the vessels had been condemned on other grounds; but had it not been for Moir, they would never have been seized.

Mr. *Stephen* condemned, in the most vehement manner, the introduction of the question under the consideration of the House, and observed, that the noble lord had made a pledge which he was wholly unable to redeem. He trusted therefore the noble lord's good sense would induce him candidly to confess his error, and retract the charges he had so incorrectly made. The hon. and learned gent. after a warm panegyric on the conduct of his hon. friend (sir John Nicholl), declared his intention of moving the previous question upon the first Resolution: of meeting the intermediate ones with a direct negative; and substituting for the last, a Resolution, approving of the law officers of the crown.

Lord *Cochrane* replied at considerable length.

Captain *Beresford* bore testimony to the honourable conduct of the King's advocate on all occasions.

Sir *C. Pole* said a few words in support of the Resolutions.

Mr. *Rose* said, there never was a more unfounded charge than that submitted to the House by the noble lord.

The House then divided on the first Resolution. For the Resolution, 6; Against it, 76; Majority 70. The other Resolutions were negatived, after which

Mr. *Stephen* moved: "That it is the "opinion of this House that the proceedings in the high court of admiralty, stated "or referred to in the several papers laid "before this House in the course of the "present session, were conducted by his "Majesty's law officers, with perfect integrity and propriety; and that the result has been highly advantageous to "the captors, and beneficial to the public "service," which was agreed to.

HOUSE OF LORDS.

Thursday, June 14.

[Bere Forest Bill.] Lord *Redesdale* made several objections to the Bill, stating that the allegations had not been fully proved; that the persons calling themselves purlieu owners should not be put on the same footing as the crown; and instead of one-third they should have only one-twelfth; that the interest of certain petitioners had been neglected, and therefore moved the recommitment.

Lord *Sheffield* said, the recommitment of the Bill on almost the last day of the session could only be suggested for the purpose of defeating it, and the same might be said of the petition signed by two persons to be heard by counsel on the third reading; the petitioners were heard two days by counsel in the Committee, and it appeared that the rules and standing orders of the House had been complied with; that upwards of four-fifths of the Commoners had given their consent; that the preamble had been twice considered; that the Committee went through the bill clause by clause, and the noble lord, who objects, made every amendment he conceived to be necessary, except one, to which the Committee disagreed, namely, that the purlieu owners should take one-twelfth instead of one-third; that the proposition to the Commoners is what is usually given on the inclosure of Forests. —He observed that the case of the forest of Bere differed from all others, that the crown had the right of Vere, but had no claim on the timber and soil, except on two of the 18 districts or purlieus which belong to it; that the timber and soil of the other purlieus belonged to the owners; that the proportion to the Commoners is what is usually given on the enclosure of forests, and that the amendments were chiefly technical and seemed principally intended to reform the forest language.—He then stated that the measure had been in agitation upward of 16 years, had been approved by the several surveyor generals during that period on the part of the crown.—The object of the bill is to take upwards of 8,000 acres, out of a state of waste and abuse, and to put them in the state of the greatest public utility.—The 13th report of the Commissioners of land revenue states, that on an average of 91 years, the net profits of the forest of Bere have been 45*l.* 12*s.*—The bill allots to his Majesty, or rather to the public, between 14 and 1,500 acres for the express purpose of raising timber for the navy.—Supposing the public to acquire only 1,400 acres, with proper attention for a considerable shorter period of time, 70,000 of the largest trees may be raised on that extent of ground, which at a load and a half in each tree will amount to 105,000 loads, and taken at 12*l.* per load, nearly a fourth lower than the present price, will produce 1,260,000*l.* but the net produce of the forest of Bere during 91 years in its barbarous state was only 4,149*l.* 7*s.* 8*d.* or as already mentioned, on an average 45*l.* 12*s.* per annum.—It should be observed that 105,000 loads are nearly a sufficient supply for four years and a half, for all his Majesty's dock yards, and that on an average of 22 years ending 1802 only 10,466 loads of foreign oak timber were imported into Great Britain—A return made by the Navy Board pursuant to an order of the House of Commons in May 1802 states "that 70,000 loads of timber are necessary to be kept in the respective yards for the effectual and constant repairs, rebuilding and keeping up, the present navy, and sufficient for three years." This includes work done in all the royal dock yards, but not the building by private contract out of the yards.—He declared he was by no means an advocate for royal forests, unless such as were desirable for the recreation of the royal family, being convinced that if they were private property they would be much more productive of timber and more generally beneficial.—But to secure the growth of large timber, it seems highly desirable to reserve for the public, free from all common rights and well enclose such parts of the forest as are favourable to the growth of good timber.—We cannot be so certain of a supply of the largest timber unless from royal forests. The high price will certainly induce many to cut down timber before it has attained the largest size, and it requires two or three generations of precedent persons, not tenants for life, without impeachment of waste, nor necessitous, to suffer trees to grow to a great size.—We cannot depend on such forbearance from individuals, therefore the proportion of the forest lands, that the public can acquire free from all common rights, should be kept carefully enclosed; that when the present scanty quantity of timber now growing shall be cut down, no more will ever be raised to succeed it, unless by an act like the present bill.—He next observed that the whole will be fenced, and the enclosure made without expense to the public, and that the salaries of the officers of the forest and the expense of building and repairs would be saved, and concluded by observing that the bringing into tillage several thousand acres, ought to have some weight, having of late years had such repeated apprehensions of famine, and on an average of nearly 20 years, having imported grain to the amount of upwards of 4,000,000*l.* sterling annually.

After some further discussion the House divided on the recommitment. Ayes 5, Noes 21. The bill was then ordered to be read a third time the next day.

[Scotch Judicature Bill.] Viscount *Melville* moved the third reading of this Bill.

The Earl of *Lauderdale* restated the former objections he had made to this measure in its present shape. He afterwards moved an amendment, "That those only be remunerated who were mentioned in the schedule." The application of this amendment was towards the compensation intended for Mr. Thomas Scott, the brother of Walter Scott. It appeared the former was appointed to the office of an extractor, at a time when it must have been foreseen those offices would be abolished. Mr. T. Scott had not been connected, previously, with that sort of situation, but was recruiting for the Manx Fencibles, in the Isle of Man, at the time, and had not served the office, but performed its duties through the means of a deputy. He considered this transaction a perfect job, and, on that account, ought not to be countenanced by parliament. By the present bill, Mr. T. Scott would have 130*l.* for life, as an indemnity for an office, the duties of which he never performed, while those clerks, who had laboured for 20 years, had no adequate remuneration.

Viscount *Melville* supported the general provisions of the bill. With respect to Mr. T. Scott, he certainly had been in business, had met with misfortunes, and, on account of his circumstances, went to the Isle of Man; but, with respect to his appointment, this was the fact; a situation in the same office with that of his brother became vacant, of 400*l.* per ann. and he thought it his duty to promote a person who had meritoriously filled the situation which was afterwards granted to Mr. T. Scott. His brother was, therefore, so disinterested as to have him appointed to the inferior, instead of the superior situation. The noble viscount saw no injustice in the case, and there was no partiality but what was excusable.

Lord *Holland* thought, no man who knew him would suspect that he was unfavourable to men of literature; on the contrary, he felt a great esteem for the literary character of Walter Scott. He and his colleagues ever thought it their duty to reward literary merit, without regard to political opinions; and he wished he could pay the same compliment to the noble and learned viscount, for he must ever recollect, that the poet, Burns, of immortal memory, had been shamefully neglected. But, with regard to Mr. T. Scott, the question was quite different, for he was placed in a situation which he and his brother knew, at the time, would be abolished; and from parliament he claimed an indemnity for what could not be pronounced any loss. It was unjust, as it regarded others, and improper as it respected parliament.

The amendment was then proposed, and negatived. The Bill was accordingly read the third time, and passed.

[Vexatious Arrests Bill.] The House resolved itself into a Committee on the Vexatious Arrests Bill, one of the objects of which is to increase the amount for which a person may be arrested from 10*l.* to 20*l.*—Lord Ellenborough and the Lord Chancellor thought that there would be more humanity in decreasing the sum to 5*l.*, instead of increasing it to 20*l.*, as persons when arrested, were more disposed to settle the debt, and could then do it at a less expence than even when process was served for a sum under the amount of an arrest, in which cases they were frequently induced to go on defending the action, until at length they had to pay a large additional sum for costs; but their lordships declined to press an opposition to the bill. Lords Redesdale and Holland contended, that it having been thought expedient in the former act to extend the sum for which a person might be arrested to 10*l.* it might now fairly be stated that, from the difference in the value of money, 20*l.* now was merely equivalent to 10*l.* at the time the former act passed.—The Bill then passed through the Committee.

HOUSE OF COMMONS.

Thursday, June 14.

[ASSESSED TAXES BILL.] The *Chancellor of the Exchequer* moved the third reading of the Assessed Taxes Bill.

Sir *T. Turton* said that great praise was due to the right hon. gent. for the regulations which he had made to prevent vexatious surcharges, but he was of opinion that during the recess, something should be digested for the purpose of modifying the income tax, and rendering it lighter and less burthensome on the lower and middling classes of the people. An hon. member had given notice early in the session that he would submit a proposition to the House, to render the Income Tax altogether unnecessary; but if that hon. member had relinquished his intention, he would himself, early in the next session propose a substitute for the tax. There was, in his opinion, a very great inequality in the contribution of the tax, as it was more severe to the lower than the higher rank of the community, and made no distinction between the annuitant and the man of freehold property. He was convinced that the scale was not equitable, as a person who had an income of 200*l.* could not afford to pay 20*l.* a year, as well as the person who had an income of 2,000*l.* could pay 200*l.* a year. It was also unequal, inasmuch as a man who had a large family paid as much as a bachelor who had no family at all. He was also against the exemption granted to foreigners, which amounted to 69,000*l.* a year, and he thought they ought to pay their share of contribution in this country, while we expended so much in fighting their battles abroad. From what had been said on a former occasion, he apprehended that it was the intention not to consider the income tax as a war tax, but to make it perpetual, as it was said some taxes would be abolished in case of peace, and part of the income tax would be still continued, against which he would enter his protest. He was against the scale beginning as low as it did, but it was said, it would be the more productive because it spread over so large a mass of the people, but the fact was, they would soon extinguish the means of contribution as many were now obliged to live on their capital.

The *Chancellor of the Exchequer* observed, that the present bill was for regulating the mode of collecting the assessed taxes, and he wished to set the hon. bart. right with respect to his apprehending that the bill brought in in the present session, relating to the collection of the assessed taxes in Scotland, referred in the least to the perpetuating the income tax. It had no such referrence, and on the return of peace the House would then be the best judge what ought to be done, consistent with the state of the finances of the country. As to taking away the exemption allowed to foreigners, that was a matter which he would turn in his mind, during the prorogation, but wished not to be considered as making any pledge on the subject.

Mr. *Howarth* said, he would early in the next session move, that the exemptions allowed to foreigners should be taken away.

The Bill was then read a third time, and ordered to the Lords.

[EAST INDIA COMPANY'S LOAN BILL.] Mr. *Dundas* moved the third reading of this Bill.

Sir *T. Turton* stated, that he had been so disgusted with the mode in which India subjects had been treated, that if this had concerned India alone he would expect no attention. But it concerned this country, as he saw no reasonable hope that this sum would ever be repaid. The territories it had been said, would enable them to pay the debt. Considering the debt upon that territory, and the spirit of extension and conquest in India, it was impossible to look with confidence to that resource. The financial embarrassments had increased with the conquests, and though he saw a gentleman smile, he could point out how Indian princes and their ministers had been hung up at their own doors, and their heads fixed upon the walls of their own palaces. But these things, as they only concerned India, excited no interest. We had nothing to expect from India, except an additional load of debt. India was a mill-stone about the neck of England, and would eventually be the ruin of it. The hon.

bart. then examined the state of the East India Company's property, and contended that they had no reasonable security to offer for the repayment of this sum. There was great reason to dread a Mahratta war, and yet there appeared but little disposition to conciliate our own army. He blamed the severity of the conduct of the governor of Madras; that conduct might perhaps be justified by necessity; but that was not the general opinion among those most connected with India. He then stated, that India contained 50 millions of English subjects, and owed 30 millions of debt. It was monstrous that that debt was increasing in such an incredible degree. But from what did all this accumulated debt arise? From the cruel wars in which India was eternally embrued. If conquests were made, they were attended by losses far exceeding, in the sorrow which they created, all the exultation with which a sordid victory was attended, and each triumph was accompanied by the gloom of financial embarrassments. In the year succeeding that on which lord Wellesley left India, the revenue of that country, to which numerous possessions had been added, was increased 7 millions; the debt 17 millions. The House had indeed the strongest part of the censure to bear, with respect to the wars to which he alluded; and if there was not a conciliating and improved system adopted, a war might be expected in that country, from which the most pernicious consequences would ensue. He should wish that these circumstances would be attended to by the House. Those unnecessary and inhuman wars were the cause of the incredible mass of debt into which the Company had been plunged, and which it was impossible for them, by any exertion of their own, to discharge. As there was neither any just claim upon the people for such a grant, nor any rational security proposed for the re-payment of one-fifth of the sum, he would most heartily oppose the bill.

Mr. *Wallace* maintained that sound policy required that the East India company should be relieved. They had lately sustained great losses, and were but just recovering from the expenses consequent upon the just and necessary wars in which they had been engaged, and even if they had been a private commercial company they would have some claim to assistance. Their present necessity was manifest, but he contended that the statement in the Report proved the security to be sufficient. A part of the India debt was of a political character, and in relieving the company from the pressure of that debt the country was serving itself. On the whole the country could not with propriety refuse the present application.

Mr. *Creevey* opposed the bill, on the ground that there were no hopes that the money should ever be repaid—and notwithstanding what had been said by the honourable gentleman who spoke last, he thought that none of themselves would have the hardihood to say, that there was a reasonable prospect of repayment. He objected to it besides, on account of the time at which it had been brought forward, when it was impossible to discuss the subject fully. He objected also because the company might go to market to increase their capital, and try their credit with the public; and lastly he objected because a full account of the East India company's affairs had not been laid before the House.

Mr. *R. Dundas* denied that the company's territories were such scenes of rapine as the hon. gent. had represented. They governed in a manner the most advantageous for the people. This he could take upon him to assert, from better sources of information than the hon. bart. possessed. The hon. bart.'s animadversion on the conduct of the Madras government was irrelevant. No information on the subject had as yet been laid before the House; the censure, therefore, was as premature as he believed it to be undeserved. As to no India budget having been brought forward, he had only to answer that this was impossible. The present bill would remain in force only one year, when the House would see whether the company acted up to its agreement or not, and contended that the million and a half was a loan and not an advance to the company.

Lord *A. Hamilton* did not expect, from the state of the company's revenue, as disclosed by the papers on the table, that the loan would be repaid to the public. He rather feared it would go to the payment of the extravagant dividend of 10 per cent. to the company. At the same time, he could wish that some gentleman competent to give him information, would state the probability, if any such there was, of a surplus revenue, so as at any future period to give hopes that it would be repaid.

Sir *T. Turton*, in explanation, denied

that he had imputed to the government in India any wish of ruling by rapine and bloodshed. He had stated that the territories were acquired by those means. With respect to the loan, he was inclined to consider that the company asked the money in advance of claims, and not by way of loan.

Mr. *R. Thornton* was disposed to admit to the noble lord that the public could not look to any prospect of payment until a renewal of the charter was obtained. The company in his opinion had been hardly dealt with, for he must contend that the country had prospered as much through the company as the company had benefited by any assistance received from the country. With respect to the loan, the hon. gent. seemed to think that it could not be obtained any where else, and therefore the company ought not to be grateful for it. In that opinion the hon. gent. was mistaken, for he would tell him where he could obtain it, and even to a greater amount. Buonaparté would be happy to lend the money, aye, and pay the whole of the company's debts, and give them fifteen or twenty years purchase for their territories. There could not be any intention in what had fallen from the hon. bart. and the other hon. gent. to insinuate that the company's affairs had not prospered under their present management, because the fact was, that they had actually prospered, more so than at any former period. The difficulties under which they laboured were not principally of their own seeking, but arose in consequence of the wars in which they had been engaged; wars which he was justified in denominating the wars of the House of Commons, and therefore the company had the right to claim assistance. The hon. gent. contended that the trade since 1793 had always been prosperous; that it was sufficiently so to enable the company to make a large dividend. He trusted that as the government in India had incurred vast expences in fighting to maintain the British interests, that the House would not be disposed to make them bear all the burthens, because if they did the result must be, that if the war was continued year after year, they must come to parliament for fresh loans. When the report was made, the House would be satisfied that the present loan would not be improperly used. All that the company desired was, that their affairs should be strictly and deeply scrutinized, they were not afraid of the examination.

The House then divided on the third reading of the bill: Ayes 52; Noes 10; Majority 42; The bill was then passed.

[ADMIRALTY COURTS BILL.] On the motion for bringing up the report of this bill,

Mr. *H. Martin* stated his objections to the bill, which, he contended, purported to be what in reality it was not. Instead of its being called a bill for regulating the office of the courts of admiralty, it ought to be entitled "A bill to prevent reform in those courts." The hon. and learned gent. conceived that the object which it professed to have in view was to reform the abuses, in regard to the enormous fees taken by the registrar and the marshal of the admiralty; now the very reverse would be its effects. When the measure for the abolition of reversions was in agitation, it was not intended to regard remote interests, nor indeed did parliament when legislating in regard to offices where enormous profits had, he might say, scandalised the country, ever mean to look to remote interests. He wished to know, therefore, why the particular office of Registrar, to which the right hon. gent. (Mr. Perceval) had the reversion, deserved to be exempted from the general regulation. Formerly when the bill was before parliament for suppressing the fees in the office of tellers of the exchequer, no reference was had to a noble lord who then held the situation of Chancellor. The place of Registrar was given to the present possessor by a noble lord at the head of the admiralty, and the gift was afterwards confirmed by the King. In the first instance, therefore, the appointment was illegal. His Majesty could not be said to have any interest in the office. The hon. and learned gent. contended that any abuses could not be regulated by act of parliament, but must be done by his Majesty in council. In that opinion he was fortified, by the opinion of the learned judge at the head of the admiralty courts, who in the case of the Rainsbergs, where the marshal claimed such large fees as astonished the judge, that learned person had stated "that it belonged to his Majesty alone in council, to make any alteration in the table of fees in any of the courts of admiralty." Not one word was said about the marshal in the bill. With respect to the money of the suitors, the right hon. gent. in answer to a question put to him the other evening, whether the Registrar retained or made use of the suitors monies, that right hon. gent. declared that he did not. Now, he (Mr. M.) had in his pocket a letter from the right hon. gent. which stated a different thing. It was an undoubted fact that the noble lord who is the Registrar never did confess that he had retained one farthing of suitors monies as forming a part of the profits of his office upon his examination before the Committee. He saw no reason why the Registrar of the admiralty should not be compelled to deposit in the Bank the suitors monies as in like manner is required from the masters in Chancery. He believed that the real object of this bill was to prevent its being so paid in, and therefore he should object to it altogether.

The *Chancellor of the Exchequer* professed himself always averse to the disturbance of vested rights in places of this nature, whether those rights were in the parties in possession, or those in reversion; and in this opinion it was known that he concurred with many of the highest authorities, one of whom did not hesitate to say, that a patent right involved as valid a claim as any freehold property. Connectedly then with this opinion, he could not agree to abolish the vested interest in the place under consideration. That his brother derived in a given year the sum of 7,800*l.* from the interest upon money belonging to suitors of the Admiralty court he was ready to admit. But, it being at the discretion of either of the suitors to have such money upon application to the court, vested in public securities, which they declined, probably from an unwillingness to risk the fluctuation of the funds, or from some other cause, the register could not be condemned from availing himself of the immemorial usage of his office, by deriving profit from its use, while the safety of the capital was strictly attended to. He denied that the case of the masters in Chancery had any analogy to that before the House, because those officers stood in a state of delinquency at the time the measure alluded to was brought forward, in consequence of losses having been sustained by the suitors in the court of Chancery.

Mr. *Bankes* could not conceive it justifiable in any public officer having merely the custody of money, to put that money to hazard, or to derive any private profit from it. He believed his right hon. friend was mistaken in supposing that the money could be withdrawn from the register at the discretion of either of the suitors, as both must, he understood, concur in the application before the money could be so withdrawn for investment in any public securities. This, therefore, was a defect which he thought ought to be cured by a clause in the bill before the House, in order that the right to invest the money in public securities for the benefit of the successful should be generally known, and that a public officer should not be allowed to enjoy a profit, which of right belonged to others.

Mr. *Stephen* stated that it was competent to the judge of the Admiralty to order, *ex-officio,* that any money in court belonging to suitors should be vested in public securities for the benefit of the suitors.

Mr. *Jacob* considered this as a substantial measure of reform, so far as it went, and was therefore surprised at the opposition it experienced from the professed advocates of reform upon the opposite side of the House.

Mr. *W. Smith* thought the hon. members surprise should cease if he considered the true nature of this bill, and that it was opposed because it did not go far enough; because it did not go the right road to reform; because, in fact, it proposed to place the obstacle of an act of parliament in the way of a reform obviously necessary, and that merely for the benefit of particular individuals. He reprobated the doctrine of confounding titles to property, by putting monstrous usurpations on a footing with these titles which were unquestionable. That the practice of deriving private profit to public officers from the use of money intrusted to their custody was quite an usurpation, was a thing not to be disputed. But there was a particular reason why the officer under consideration should not be allowed to use the money under his care in the way referred to, because in fact this officer did not enter into any securities. This was a circumstance which, with all proper deference for the noble lord (Arden) would restrain him from allowing the money of suitors to be put to any hazard by that noble lord. He had no disposition whatever to question the character or responsibility of the noble lord, but the rank and importance of some recent defaulters strongly urged the propriety of caution in all cases whatever. Here he adverted to the premium afforded to this officer, and to others also holding a high station in the government, to keep the country in a state of war, because it increased their salaries, and condemned the gross impolicy of tolerating such an arrangement, urging the necessity of substituting a fixed salary to each of those officers who now among them derived a profit of 20,000*l.* a year from the continuance of war.—After observing upon the two returns from the Registry office, that there were no emoluments whatever derived from the use of the money in the Registrar's hands, although that money now appeared to produce 7,800*l.* in one year, the hon. member recommended the omission of those words in the bill, namely, "After the falling in of the interest of the persons in possession and reversion of the same." He concluded with observing that, the preamble of the bill, proposed by a side wind to sanction the practice of public officers making use of the public money for their own private profit; and upon this and other grounds, he thought the farther consideration of it ought to be postponed until the next sessions.

Mr. *Rose* expressed his surprise at hearing that the emoluments from the use of suitors money should have amounted in one year to upwards of 7,000*l.* He had caused inquiries to be made, and he believed, that at present the sum in the hands of the Registrar did not amount to 80,000*l.* of which 40,000*l.* belonged to the navy. This sum too, he understood, was likely to be still farther reduced. It depended on the suitors themselves, if any part of their money remained in the hands of the Registrar, as they had only to make the application to the judge, in order to have it invested. As to the resumptions in the reign of Queen Anne, these were only made out of hostility to the foreigners who had come over to this country in the reign of king William, and notwithstanding that hostility, the practice was almost instantly abandoned.

Mr. *Johnstone* was convinced that the right hon. gent. (Mr. Perceval) could have no intention by the introduction of this bill, of deriving advantage to himself, or those connected with him. If the bill were to pass, however, in its present shape, it would begin at once to levy a revenue on neutrals unjustly brought into our ports, a proceeding which was unworthy the dignity of a great nation.

Sir *S. Romilly* was satisfied that his right hon. friend could not suppose that he would attribute to him any idea of wishing to add to his own emoluments by the present bill; but still, this he suspected would be the effect of the bill. If judicial offices were to be reformed, he thought the proper mode of doing so was, to reduce the fees, and not still to exact what was esteemed exorbitant, for the purpose of turning it into another channel. An office in the public revenue seemed to him to differ materially from a judicial office; and even in the former he doubted much the right of the officer to profit by the use of the public money. As to the latter character, so far as he was intrusted with money, it could only be as trustee for the suitors, and therefore he could not be entitled to any emolument thence arising. He instanced the case of a treasurer to the White-haven harbour, who being called on in Chancery to account for the emoluments derived by him from the use of the funds, although he had accepted of the office with the express view to this advantage, was obliged to account for the whole profits thence derived, even though no demand had been made on him.

The *Solicitor General* vindicated the Chancellor of the Exchequer, and denied that he could have any interest in the provisions of the present bill, as the operations of the act were not to take place till after the two lives were expired.

The Report was then agreed to.

HOUSE OF COMMONS.

Friday, June 15.

[Petition and Remonstrance from Southwark for the Release of Sir F. Burdett, &c.] Mr. *Henry Thornton* said he held in his hand the Petition and Remonstrance of the electors of the borough of Southwark, legally convened by the high bailiff, on the 13th inst. He apprehended there was nothing in the language of the petition that would prevent it from being received, and therefore presented it to the House.

The petition was then read, setting forth, "That the petitioners feel deeply interested and alarmed at the extraordinary proceedings of the House, in the imprisonment of John Gale Jones, and the forcible entry and seizure of sir Francis Burdett in his own house, because, in the first place, they humbly conceive that contempts which are punishable by prompt imprisonment can only be construed as arising out of those overt acts which obstruct the proceedings of the House; that a supposed libel upon the House, without such acts, may be safely referred to a jury of Englishmen consistent with all those privileges of the House, which may form part of the common law of the land, and consistent with the honour, dignity, and independence of the House; they humbly conceive that such conclusions are well warranted by a recent case of libel, in which the monarchy was represented as a goodly tree, from which the branches of the Lords and Commons might be safely lopped off, and that still the constitution would remain, all which was referred by the House to the verdict of a jury; and that, in the latter case, the petitioners were sadly reminded of the arbitrary proceedings of military governments on the continent, when neither police magistrates nor crown officers could find precedents to regulate them in inforcing their authority, the minister was found ready to advise his Majesty's government to employ its army, and however the petitioners were rejoiced to see their countrymen return from disastrous expeditions and the pestilential shores of Walcheren, they conceive the honour of a British soldier was tarnished when his valour was improperly directed against unarmed citizens; and that the petitioners have long been convinced, that the only safe and effectual remedy for our political evils is a substantial reform in parliament by a more equal representation of the people; they are convinced that one of the most radical defects of those ancient governments, which were overturned by power, or subverted by popular fury, arose from ignorance of the uses of representation; that a late statesman, many years at the head of his Majesty's government, declared that representation was the true principle of the British constitution, that to reform it was not to innovate but to recover; and that the petitioners humbly conceive alterations in the representation of the people, by extending the right of voting, are sanctioned by the House, as at Shoreham, Cricklade, and Aylesbury; where bribery is proved against the electors reform is safe, but not where seats are purchased as publicly as at noon-day, at the bare mention of which our ancestors would have started wlth indignation; and notwithwithstanding the right hon. Spencer Perceval and lord Castlereagh were detected in the traffic, they are still sitting unimpeached as members of the House; and that the petitioners trust they have always manifested a readiness to defend their King and country with their purses and their swords, and that the public liberty, which was acquired and defended by the best blood of our ancestors, may be preserved inviolate, and transmitted to the latest posterity, they trust that the House will restore that confidence to their feelings by the release of John Gale Jones and sir F. Burdett, and by a speedy reform."

Sir *T. Turton* said, that unfortunately he did not attend the meeting, not having been applied to, and consequently not knowing more of the circumstance than any other member in the House. It was the duty of every representative to attend a meeting of his constituents to give them his assistance and advice. He approved of the sentiments contained in the petition, except where it denied the right of the House to imprison for a breach of privilege; and begged leave to second the motion that it do lie on the table,

The Petition was ordered to be laid on the table.

[PRIVATE BILLS.] Sir *T. Turton*, before the session broke up, wished to call the attention of the House to the proceedings on private bills above stairs. Great inconvenience arose from the present system for arranging the bringing in and passing of private bills, as in the course of six weeks the whole of them were under consideration, which caused very great trouble and inconvenience to the members. He was of opinion, that the time for reporting them ought to be enlarged, and that some means ought to be adopted to enforce the attendance of gentlemen on committees, which would greatly tend to facilitate the business. And also he was of opinion, that a short-hand writer should be appointed to attend each committee.

The *Speaker* observed, that the several matters stated by the hon. gent. were worthy of the most grave and serious consideration. It was desirable therefore, that he should follow them up with a specific proposition, or give notice of a motion. The House was too much at the mercy of agents and solicitors of bills, whether they should be conducted quick or slow. There was another subject also worthy of consideration, and that was the petitions of hostile parties being presented in a late stage of a bill, which was attended with delay, and great and unnecessary expence and inconvenience. It might perhaps be for the conveniof gentlemen that he should advert to some of the points in which inconvenience was felt in the progress of private bills. They were, 1st, The great pressure of the business up-stairs in point of quantity at the close of the session. This had been partially remedied already, and deserved further attention. 2d, The attendance of members. This must be left to the consideration and discretion of members themselves. 3d, The facility from short-hand writers. It was the duty of the clerks to give every possible facility in this way. 4th, The appointment of an officer to put into technical legislative language the ideas of members wishing to draw up bills. This was a point of difficulty, but all these deserved consideration, and gentlemen would do well during the recess to turn their minds to them with a view to some specific proposition.

[John Gale Jones.] Sir *James Hall* rose to bring forward the motion of which he had given notice for the liberation of John Gale Jones. He expressed his conviction that if the proposition for the commitment of Mr. Jones had been discussed with the same deliberation as other acts of the House, it never would have obtained the prompt and unanimous assent with which it was so suddenly carried. He had heard several members who were not present on the occasion, since declare, that if they had been present, they would have opposed the commitment; and he did not scruple to declare his own regret that he was one of the unanimous few who assented to that commitment. For, upon mature reflection, he thought the decision of the House was in a great degree owing to Mr. Jones's own acknowledgment of the charge against him; and that the acknowledgment he made, the contrition he had expressed, and the very humble and respectful apology he had offered at the bar, should have induced the House not to proceed with severity, but to have liberated him after a proper reprimand. Another ground was, that Mr. Jones was punished with the same degree of severity as sir Francis Burdett, although there was no degree of parity between the nature of their offences. For the latter not only assumed to censure openly the conduct of the House, of which he was a member, but to publish a libellous pamphlet, arraigning its proceedings, and defying its authority with a degree of outrage and acrimony bordering on frenzy. He had also afterwards disputed the authority of the Speaker's warrant, and resisted the serjeant at arms sent to take him into custody; barring his doors, and exciting tumult, by rendering his house and his vicinage a rendezvous for the assemblage of disorderly and riotous persons, from all parts of this metropolis, whose turbulence it was impossible for the civil power to suppress, without the assistance of military force. Mr. Jones, on the contrary, instantly obeyed the orders of the House, acknowledged his error, and expressed his contrition. In the motion, therefore, which he was now about to submit for his liberation, he was aware that the remission of a few days confinement during the short remnant of the session, might not be considered as any great boon. Yet, as the power of the House to imprison him would expire with the session, he thought the House, in its justice and discretion, ought to draw a marked line of distinction between the cases of the two parties committed. The liberation of Mr. Jones, he thought would tend completely to allay the popular ferment excited upon this subject; but he was convinced there was not a man of common sense or discretion in this country, who had any respect for the rights or the authority of the House of Commons, who would condole or sympathize with sir Francis, or think that his punishment had been too severe. Sir James concluded by moving "That John Gale "Jones, now under confinement, during "the pleasure of the House, in his Ma-"jesty's prison of Newgate, be forthwith "set at liberty without payment of any "fees."

Mr. *P. Moore* seconded the motion.

Mr. Secretary *Ryder* opposed the motion, on the ground that Gale Jones was a voluntary prisoner, as he might be enlarged months ago, if he had thought fit to petition the House. He opposed his liberation more particularly, because a similar motion was brought forward some time ago, and negatived, and therefore the House would act inconsistently, if it agreed to the present proposition of the hon. member.

Sir *T. Turton* supported the motion, which was then put and negatived without a division.

[African Slave Trade.] Mr. *Brougham* rose, pursuant to notice, to call the attention of the House to the state of the Slave Trade: a subject, he said, of the first importance; and although it was neither a personal question, nor a party one

—though its discussion involved neither the pursuit nor the defence of place—although, indeed, it touched matters of no higher concernment than the honour of the House and the country, and the interests of humanity at large, he trusted that it would, nevertheless, receive the same favourable consideration which it had so often experienced upon former occasions. The question he purposed to submit to the House was, whether any, and what measures could be adopted, in order to watch over the execution of the sentence of condemnation which parliament had, with a singular unanimity, pronounced upon the African Slave Trade? It was now four years since Mr. Fox made his last motion in that House, and, he believed, his last speech there, in favour of the Abolition. He then proposed a Resolution, pledging the House to the Abolition of the traffic, and an Address to the crown, beseeching his Majesty to use all his endeavours for obtaining the concurrence of other powers in the pursuit of this great object. An Address to the same effect was made by the other House, with equal unanimity; and, early in the next year, two noble friends of his (Lords Grenville and Grey), who were second only to his hon. friend, prevented by indisposition from attending this day (Mr. Wilberforce), in their services to the cause, and would yield not even to him in their zeal for its success, gave the parliament an opportunity of redeeming its pledge, by introducing the Abolition Bills into the two Houses. That measure, which had formerly met so many obstacles, whether, as some were willing to believe, from the slowness with which truth works its way, or, as others were prone to suspect, from the want of zeal in its official supporters, now experienced none of the impediments that had hitherto retarded its progress: far from encountering any formidable difficulties, it passed through parliament almost without opposition; and one of the greatest and most disputed of measures, was at length carried by larger majorities, perhaps, than were ever known to divide upon any contested question. The friends of the Abolition, however, never expected that any legislative measure would at once destroy the Slave Trade: they were aware how obstinately such a trade would cling to the soil where it had taken root: they anticipated the difficulties of extirpating a traffic which had entwined itself with so many interests, prejudices, and passions. But he must admit, that although they had foreseen, they had considerably underrated, those difficulties. They had not made sufficient allowance for the resistance which the real interests of those directly engaged in the trade, and the supposed interests of the colonists, would oppose to the execution of the acts: they had underrated the wickedness of the Slave Trader, and the infatuation of the planter. While on the one hand it appeared, from the documents he formerly moved for, that nothing had been done to circumscribe the foreign Slave Trade, it was now found, that this abominable commerce had not completely ceased, even in this country! He hoped the House would favour him with its attention; while, from the papers on the table, and from such other information as he had been enabled to obtain, he laid before it a statement, which would, in some measure, enable it to appreciate the extent of the evil, and to apply the proper remedies.

He then proceeded to call the attention of the House to the state of the Slave Trade in foreign countries. In these it existed variously. In America it was contraband, as in England, having been prohibited by law, but still carried on, illegally, for the supply of the American as well as of foreign plantations: while in the colonies of Portugal and Spain it was still sanctioned by the laws, and even received peculiar encouragement from the government. The extent of the Spanish Slave Trade he could not state very accurately, but, from returns of the custom-house at Cadiz, to which he had had access, and from the well-known increase of the sugar culture in Cuba, the importation of negroes appears to be very great. The average annual importation into that island during 13 years, from 1789 to 1803, was 5,840; and it was evidently upon the increase, for the average of the last four years of the period was 8,600: the total number imported during the period exceeded 76,000 slaves. This statement, among other things, proved how much the American flag was used in covering the foreign Slave Trade; for, after the commencement of hostilities between Spain and this country, the trade could only have been carried on to a very limited extent in Spanish bottoms; and yet, instead of being checked by the war, it had greatly increased since 1795. The culture of sugar had likewise increased at Porto Rico, and on the Main, and with it, of course, the importation of slaves. The precise amount of this he could not speak to; but he had every reason to suppose it very inconsiderable, when compared with the traffic in Cuba. The annual importation of Mexico did not exceed 100 negroes, and that of the settlements on the South Sea was only 500. The other colonies obtained their supplies principally from the Brazils. With regard to the Portuguese Slave Trade, he could speak with more precision. During his residence at Lisbon, in the King's service, he had official communication with the Portuguese minister, and also with a person of high rank, who had been governor of the northern provinces of Brazil, and was then going out as governor of Angola and Benguela, upon the African coast. It appeared, from the returns of a capitation-tax on negroes exported from Africa (which gentlemen would perceive, must give the lowest amount of the exportation), that there were annually sent to the Brazils from that part of Africa alone above 15,000 negroes; and this was reckoned only one half of the total exported from all parts of the Portuguese settlements. From another quarter, of high authority, he learnt that this, if estimated at 30,000, would not be overrated. But the branch of the trade which it was the most important to attend to at present, was that carried on by American vessels, in open violation of the laws of the United States. He firmly believed, as he had before stated when the matter had been questioned by a right hon. gent. opposite (Mr. Canning), that the American government had all along acted, in regard to the Slave Trade, with the most perfect sincerity. They had, indeed, set us the example of abolishing it. All the states, except two, Georgia and South Carolina, had early abolished it by acts of their separate legislatures before the period arrived when the constitution gave congress a right to pass such a law for the whole union; and as soon as that period arrived, viz. at the beginning of the year 1808, the traffic was finally prohibited by an act of congress. But it was one thing to pass a law, and another to carry it into execution, as we had ourselves found on this side of the water, he was sorry to think: and although the American legislature and the government had done all that lay in their power, it required much greater naval means than they possessed to suppress effectually their contraband Slave Trade. They might, in a great measure, by their police, prevent the importation of negroes into the United States; and this they had done; but the bulk of their contraband Slave Trade was carried on between Africa and the islands, or Africa and South America; and, to check this, a very different navy was wanted from any that the Americans (happily for this country, in every point of view, except the one now in question) were likely, for a long series of years, to possess. By such a contraband trade, the Spanish and Portuguese colonies, and not only they, but our own settlements, were supplied with slaves; and in this manner it was that the foreign Slave Trade interfered with our own Abolition. What he intended to propose was, that the executive government should be exhorted to take such further steps as might be conducive to the object of the joint Address of the other branches of the legislature. Unless the American flag could, by some means or other, be excluded from its large share in this abominable commerce; and unless the Spanish and Portuguese governments could be brought to some concurrent arrangement, the trade must still be carried on to an enormous extent; and it was in vain to talk even of abolishing it entirely in our own colonies. Our largest island was within a day's, he should rather say, a night's sail, of the largest slave colony of Spain. Our other old colonies lay in the very track both of the Spanish and American slave-ships. When the vast plantations of Trinidad and Guiana were in such want of negroes to clear their waste lands, and were situated almost within sight of the Spanish slave market, where the law still sanctioned that infernal traffic, how could it be expected that the British abolition should be effectual? A gentleman of the profession to which he had the honour of belonging, having lately returned from Berbice informed him of the manner in which our planters carried on this contraband intercourse. The Oroonoko falls into the sea between Trinidad and Guiana. The Spanish slave-ships take their station near its mouth, and our planters send large boats along the coast to the station of the ships, from whence they are supplied with cargoes of sixty or seventy negroes by transshipment at sea, and those cargoes they land on their return in the various creeks of the settlements, so as to elude the utmost vigilance of the colonial officers. Did not this single fact evince the necessity of forming some arrangement with the Spanish government, while the friendly relations between the two governments subsisted? The great obstacle which he always found opposed to such a proposition was, What can we do? Those nations, it was pretended, are wedded to their own prejudices; they had views of their own, and we cannot interfere. Of this argument he entertained very great suspicion, and for one plain reason, that it was on the single subject of the abolition that he ever heard it used; it was here alone that any want of activity was ever observed in our government, or that we ever heard of our want of influence in the councils of our neighbours. On all other measures, some of suspicious, some of doubtful policy—in matters indifferent, or repugnant to humanity—we were ready enough to intrigue, to fight, to pay. It was only when the interests of humanity were concerned, and ends the most justifiable, as well as expedient, were in view, that we not only all at once lost our activity and influence, but became quite forward in protesting that we had no power to interfere. From one end of Europe to the other our weight was felt, and in general it was no very popular thing to call it in question. At all times we were ready enough to use it, as well as to magnify it; but on this one occasion we became both weak and diffident, and while we refused to act, must needs make a boast of our inability. Why, we never failed at all when the object was to obtain new colonies, and extend the Slave Trade; then we could both conquer and treat; we had force enough to seize whole provinces, where the Slave Trade might be planted, and skill enough to retain them by negotiation, in order to retain with them the additional commerce in Slaves, which their cultivation required. It was natural, therefore, for him to view with some suspicion our uniform failure, when the object was to abolish or limit this same Slave Trade. He suspected it might arise from there being some similarity between our exertions in the cause and those of some of its official advocates in this House; that we had been very sincere, no doubt, but rather cold—without a particle of ill-will towards the abolition, but without one spark of zeal in its favour. He should then answer the question of, "What 'can we do to stop the foreign Slave Trade?" by putting another question; and he would ask, "How had we contrived to promote "the Slave Trade when that was our object?" He would only desire one tenth part of the influence to be exerted in favour of the abolition, which we had with such fatal success exerted in augmenting the Slave traffic; when, by our campaigns and our treaties, we had acquired the dominion of boundless regions, and then laid waste the villages and the fields of Africa, that our new forests might be cleared. But if he were asked to what objects our influence should be directed, he had no hesitation in pointing them out: And first, he should say, the Spanish and Portuguese governments. Happily in those quarters where most was to be attempted, our influence was the greatest at the present moment; for both countries we had done much, and having lavished our blood and our treasure in defending them from cruelty, injustice, and every form of ordinary oppression, it was certainly not asking too much to require that they should give over a course of iniquity towards nations as innocent as they, and infinitely more injured by them. Every thing favoured some arrangement with Spain on this point. The only Spanish colonies, where the sugar cane was extensively cultivated, were the Islands, and of these principally Cuba. To that settlement the bulk of the Slave Trade was confined. On the main land there was little demand for Slaves; about 1400 were annually sent to Buenos Ayres, 500 to Peru and Chili, and only 100 to Mexico, while Cuba received 8,600 a year. This then was the only Spanish colony which could suffer materially; and it was reasonable to expect that the Spanish government would not refuse this inconsiderable sacrifice. At any rate, some arrangement might be made both with Portugal and Spain, to prevent their flags from being used for the purposes of the foreign Slave Trade. Adverting next to the means which we had of inducing the American government to make some arrangement (which our limits compel us to state briefly;) he admitted that our influence in that quarter was not so powerful; but he would throw out one or two remarks for the consideration of ministers. First, an attempt ought to be made to supply the deficiency of naval resources in America, by lending the assistance of our own; and he suggested the necessity of the two governments coming to some understanding, that the cruisers of each might capture the contraband slave ships of the other country. From communications which he had held with persons of high rank in the service of the United States, he had reason to think that such an arrangement would not be greatly objected to in America. An opening for a proposal of this nature was certainly afforded by the correspondence which had taken place between Mr. Erskine and the American government relative to the orders in council and Non-Intercourse laws; for an assurance was there given, that if a British cruiser captured an American found acting contrary to the American municipal law, the government of the United States would never notice the capture; and though there was an objection to recognising by treaty the right of capture on the ground of the Non-Intercourse law, it by no means followed that a similar recognition could not be obtained in the present instance. The right thus given must no doubt be mutual, but so was every right which this country claimed under the law of nations; and it should be remembered, that the two parties were very differently affected by it; for while the Americans could scarcely search or detain half a dozen of our slave-vessels in a year, we should be enabled to stop hundreds of theirs. The advantage of such an arrangement to our own planters would also be great: for if rival foreigners carry on the Slave Trade, while it is prohibited in our settlements, our planters are, for a certain time at least, liable to be undersold in the sugar market, and subjected to a temporary pressure.—Another circumstance with regard to American ships he threw out for the consideration of merchants and cruisers. It appeared to him, that even without any such arrangement between the two governments, the experiment of capturing American slave ships might safely be made. He had every reason to believe that no reclamation whatever would be made by the American government if such vessels were detained, however great their numbers might be. A claim might no doubt be entered by individual owners, when the vessels were brought in for condemnation, and the courts of prize had been in the practice of saying that they could not take notice of the municipal laws of other countries. But, besides the great risk to which American owners exposed themselves by making such claims (the risk of the penalties which they thereby proved themselves to have incurred under the Abolition acts of America), it was to be observed that the courts required a proof of property in the claimants; and he wished to see whether courts sitting and judging by the law of nations were prepared to admit of a property in human flesh *. He

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* This opinion has since been fully confirmed by the decision of the lords of prize appeal in the case of the Amedie, as appears by the following

Report of the Judgment of the Lords Commissioners of Prize Appeals, at the Privy Council, Saturday, July 28, 1810.

Case of the Amedie; James Johnson, Master.

This was a vessel under American colours, with slaves from Africa, captured, in December, 1807, in the West Indies, and carried into Tortola. The claimant pretended that she was bound to Charlestown, South Carolina, where the importation of slaves continued to be lawful to the end of that year; but that having been detained on the coast, and there being no prospect of reaching Charlestown before the 1st of January 1808, the period appointed for the cessation of the slave trade in every part of the United States, by a law of the general congress, the master of necessity bore away for the island of Cuba, there to wait directions from his owners.—It was contended, on the other hand, by the captor that this statement was a mere pretence, and that, in truth, the original plan of the voyage was a destination to Cuba, which was unlawful under the American laws, long previous to their general abolition of the slave trade.—Admitting, however, the case to be so, it was strenuously contended for the claimant, that a British court of prize had no right to take any cognizance of American municipal law, and that, as no belligerent right of this country had been violated, the property ought to be restored to the neutral owner. A series of precedents seemed to support this doctrine.—The ship was condemned at Tortola, and the enslaved Africans were, according to our abolition act, restored to their freedom; but the claimant appealed, and the liberty of the Africans, as well as the property of the ship, depended on the issue of this appeal.—The case was solemnly argued in March last, and as, in the opinion of the court, it turned on the new question of the effect of the American and British abolition acts on this species of contraband commerce, when brought before a court of prize, the case, on account of its importance, has wished to know in what part of that law any such principle was recognised. He desired to be informed where the decision or where the dictum was which allowed a person to bring forward a claim in a court of the law of nations, for the bodies of human beings forcibly and fradulently obtained, or at all events carried away from their homes against their will, and by violence confined, and compelled to labour and to suffer? What he was anxious to see was, how such a claim could be stated with common decency in such courts: he had no great fears as to the reception it would meet with: it was repugnant to the whole law of nature, and any knowledge of the law of nations which he possessed afforded him no authority for it. He earnestly hoped some persons connected with privateers and cruisers might soon try the question. They could run no risk, he ventured to assert on his own authority; and still more confidently on that of professional friends who frequented the prize courts, that no risk whatever of being condemned in costs could possibly be incurred, even if the vessels were restored. Without any risk, much good might thus be done; and he should feel satisfied that he had more than announced the ends he had in view when he began this discussion, if he could persuade himself that what he now said might lead any one to make this important trial.

Having hitherto only spoken of the foreign slave trade, it was with great mortification that he now felt himself obliged to call the attention of the House to the evasions of the abolition acts in this country. For accomplishing this detestable purpose, all the various expedients had been adopted which the perverse ingenuity of unprincipled avarice could suggest. Vessels were fitted out at Liverpool, as if for the innocent commerce with Africa. The ships and even the

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since stood over for judgment. Several other cases of American slave-ships have also stood over, as depending on the same general question.—The Judgment of the court was delivered by sir William Grant, the master of the rolls, nearly in the following terms:—"This ship must be considered as being employed at the time of capture in carrying slaves from the coast of Africa to a Spanish colony. We think that this was evidently the original plan and purpose of the voyage, notwithstanding the pretence set up to veil the true intention. The claimant, however, who is an American, complains of the capture, and demands from us the restitution of property, of which he alleges that he has been unjustly dispossessed. In all the former cases of this kind, which have come before this court, the slave trade was liable to considerations very different from those which belong to it now. It had at that time been prohibited (as far as respected carrying slaves to the colonies of foreign nations) by America, but by our own laws it was still allowed. It appeared to us, therefore, difficult to consider the prohibitory law of America in any other light than as one of those municipal regulations of a foreign state, of which this court could not take any cognizance. But by the alteration which has since taken place the question stands on different grounds, and is open to the application of very different principles. The slave trade has since been totally abolished in this country, and our legislature has pronounced it to be contrary to the principles of justice and humanity. Whatever we might think as individuals before, we could not, sitting as judges in a British court of justice, regard the trade in that light, while our own laws permitted it. But we can now assert, that this trade cannot, abstractedly speaking, have a legitimate existence.—When I say abstractedly speaking, I mean that this country has no right to control any foreign legislature that may think fit to dissent from this doctrine, and to permit to its own subjects the prosecution of this trade; but we have now a right to affirm, that *prima facie* the trade is illegal, and thus to throw on claimants the burden of proof that in respect of them, by the authority of their own laws, it is otherwise. As the case now stands, we think we are entitled to say, that a claimant can have no right upon principles of universal law, to claim the restitution in a prize court, of human beings carried as his slaves. He must show some right that has been violated by the capture, some property of which he has been dispossessed, and to which he ought to be restored. In this case, the laws of the claimant's country allow of no right of property such as he claims. There can therefore be no right to restitution. The consequence is, that the judgment must be affirmed."

cargoes, were, for the most part, the same as those used in the trade of gold-dust, grains, and ivory. The goods peculiarly used in the slave trade were carefully concealed, so as to elude the reach of the port officers. The platforms and bulkheads which distinguished slave ships were not fitted and fixed until the vessel got to sea, and cleared the channel, when the carpenters set to work and adapted her for the reception of slaves. For better concealment, some of the sailors, and not unfrequently the master himself, was Portuguese. But it was remarkable, that, lurking in some dark corner of the ship, was almost always to be found a hoary slave trader—an experienced captain, who, having been trained up in the slave business, from his early years, now accompanied the vessel as a kind of supercargo, and helped her, by his wiles, both to escape detection and to push her iniquitous adventures. This was not a fanciful description; he held in his hand the record of a court of justice, which threw so much light on the subject, that he had moved, on a former night, to have it laid on the table. It appeared from thence, that, but a few months ago, in the very river which washed the walls of that House, not two miles from the spot where they now state, persons daring to call themselves English merchants—(Hear! hear!) had been detected in the act of fitting out a vessel of great bulk for the purpose of tearing seven or eight hundred wretched beings from Africa, and carrying them through the unspeakable horrors of the middle passage to endless bondage and misery, and toil which knows no limits, nor is broken by any rest, in the sands and swamps of Brazil. (Hear! hear!) This detection had been made by the zeal and knowledge of a friend of his (Mr. Macaulay), who was only enabled to pursue so difficult an investigation by that perfect acquaintance with the subject, which he had acquired by his residence in Africa as governor of Sierra Leone, and by having even submitted to the pain of a slave voyage, for the purpose of better learning the nature of the traffic. Mr. Brougham here read several extracts from the record of condemnation of the *Comercio de Rio*, in the Court of Exchequer last Hilary term. It appeared, that besides an enormous stock of provisions, water-casks, mess-kits, &c. there were found on board 55 dozen of padlocks, 93 pair of hand-cuffs, 197 iron shackles for the feet, 13 cwt. 3 qrs. of iron chains—(Hear! hear!)—one box of religious implements; and, that the bodily as well as the spiritual health of this human cargo might not be neglected, the slave merchants, out of their rare humanity—which one must really have known a good deal of the sort of character, easily to believe—allowed, for the medical wants of 800 negroes, of all ages, crammed into a loathsome cage, and carried through new and perilous climates during a voyage of weeks, or even months, one little medicine-chest, value 5*l.*—(Hear! hear!) This was not the only instance of the kind, not even the latest one, he grieved to say, recent though it was. He had mentioned on a former night, that at one port of this country, six vessels had only just been fitted out, by a smilar course of base frauds, for the same trade, or rather let him call it, the same series of detestable crimes.—(Hear! hear!) It was now three years since that abominable traffic had ceased to be sanctioned by the law of the land; and, he thanked God, he might therefore now indulge in expressing feelings towards it, which delicacy rather to the law, than the traffic, might, before that period, have rendered it proper to suppress. After a long and most unaccountable silence of the law on this head, which seemed to protect, by permitting, or at least by not prohibiting, the traffic, it had now spoken out, and the veil which it had appeared to interpose being now withdrawn, it was fit to let our indignation fall on those who still dared to trade in human flesh, not merely for the frauds of common smugglers, but for engaging in crimes of the deepest die; in crimes always most iniquitous, even when not illegal; but which now were as contrary to law as they had ever been to honesty and justice. He must protest loudly against the abuse of language, which allowed such men to call themselves traders or merchants. It was not commerce, but crime, that they were driving. He too well knew, and too highly respected, that most honourable and useful pursuit, that commerce whose province it was to humanize and pacify the world—so alien in its nature to violence and fraud—so formed to flourish in peace and in honesty—so inseparably connected with freedom, and good will, and fair dealing, he deemed too highly of it to endure that its name should, by a strange perversion, be prostituted to the use of men who lived by treachery, rapine, torture, and murder!

and were habitually practising the worst of crimes for the basest of purposes.—(Hear! hear!) When he said murder, he spoke literally and advisedly. He meant to use no figurative phrase: and he knew he was guilty of no exaggeration. He was speaking of the worst form of that crime. For ordinary murders, there might even be some excuse. Revenge might have arisen from the excess of feelings honourable in themselves. A murder of hatred, or cruelty, or mere blood-thirstiness, could only be imputed to a deprivation of reason. But here we had to do with cool, deliberate, mercenary murder;—nay, worse than this; for the ruffians who went on the highway, or the pirates who infested the seas, at least exposed their persons, and, by their courage, threw a kind of false glare over their crimes. But these wretches durst not do this; they employed others as base as themselves, only that they were less cowardly; they set on men to rob and kill, in whose spoils they were willing to share, though not in their dangers.—(Hear! hear!) Traders, or merchants, did they presume to call themselves! and in cities like London and Liverpool, the very creations of honest trade? He would give them the right name, at length, and call them cowardly suborners of piracy and mercenary murder!—(Hear! hear! hear!) Seeing this determination, on the part of these infamous persons, to elude the abolition act, it was natural for him to ask, before he concluded, whether any means could be devised for its more effectual execution. He suggested the propriety of obtaining, from the Portuguese government, either in perpetuity, or for a term of years, the Island of Bissao, situated on the African Coast, and the only foreign settlement in that quarter where our commerce chiefly lay. This cession would leave us a coast of 500 miles extent, wholly uninterrupted, and greatly facilitating the destruction of the slave traffic in that part of Africa. Next he remarked, that the number of cruizers employed on the African coast was too scanty. It was thither, and not to America, that vessels intended to detect slave traders, should be sent: because a slave-ship must remain for some weeks on the coast to get in her cargo; whereas she could run into her port of destination in the West Indies in a night, and thus escape detection; yet, to watch a coast so extensive as the African, we had never above two, and now only one, cruiser. He recommended, that the ships thus employed should be of a light construction and small draught of water, that they might cross the bars of the harbours, in order to follow the slave-ships into the shallows and creeks, and up the mouths of rivers; and also that they should be well manned, and provided with boats, for the same purpose. It would be impossible to employ six or seven light ships better than on such a service. It was even more economical to employ a sufficient number; the occasion for them would, by this means, speedily cease. Once root out the trade, and there was little fear of its again springing up. The industry and capital required by it would find other vents. The labour and ingenuity of the persons engaged in it would seek the different channels which would continue open. Some of them would naturally go on the highway; while others would betake themselves to piracy, and the law might, in due time, dispose of them.—(Hear! hear!)

But he should not do justice either to his own sentiments, or to the great cause which he was maintaining, were he to stop here. All the measures he had mentioned were mere expedients—mere makeshifts and palliatives, compared with the real and effectual remedy for this grand evil, which he had no hesitation in saying it was now full time to apply. He should, indeed, have been inclined to call the idea of stopping such a traffic by pecuniary penalties, an absurdity and inconsistency, had it not been adopted by parliament, and were he not also persuaded, that in such cases it is necessary to go on by steps, and often to do what we can, rather than attempt what we wish. Nevertheless, he must say, after the trial that has been given to the abolition law, he was now prepared to go much further, and to declare that the Slave trade should at once be made felony.—(Hear! hear! hear!) When he considered how easily laws were passed, declaring those acts even capital offences, which had heretofore been either permitted, or slightly punished; when scarce a session ended without some such extension of the criminal code; when even capital offences were among the most numerous progenies of our legislative labours; when he saw that difficulty experienced by an hon. and learned friend of his (sir S. Romilly) in doing away the capital part of the offence of stealing five shillings: when it was remembered that lord Ellenborough, by one act (and he honoured him for it), had created somewhere about a dozen capital felonies; when, in short, so many comparatively trivial offences were so severely visited, could one, who knew what Slave Trading meant, hesitate in admitting that it ought at length to be punished as a crime? Adverting, again, to the record before mentioned, he found that the vessel, ready fitted out for the slave coast, had sold for about 11,000*l.* including guns, tackle, cargo, and all; but making allowance for seamen's wages, wear, and tear, &c. he calculated the whole expense of carrying 800 slaves over to America, at 20,000*l.* and as they would sell for 100*l.* a-head, the net profits would be near 60,000*l.* Was this to be stopped by a pecuniary penalty? If one such speculation, in four or five, succeeded, they were safe: there was even a temptation to engage in many speculations, because the adventurer thus insured against the risk of capture, and became his own underwriter against the chance of detection, which he could in no other way insure against. If an inhuman being of this class fitted out ten or twelve such ships, and escaped with three or four, his vile profits were enormous; but it should be recollected, that all his vessels, those which escaped as well as those which were taken, spread devastation over the African continent; and even a single cargo was the utter ruin of whole villages. To this case, more than to any other that could be fancied, pecuniary checks were peculiarly inapplicable.—While you levied your pence, the wholesale dealers in blood and torture pocketed their pounds, and laughed at your twopenny penalty. He next adverted to the 10th of Geo. 2, for regulating watermen between Gravesend and Chelsea. If a person of this description carried above a certain number of persons although no accident happened, he forfeited the use of the river; and if by accident any one was drowned, the boatman who had so overloaded was transported for seven years as a felon. How did we treat those who overloaded their vessels with miserable negroes, so as knowingly and wilfully to ensure the death of many, and the torments of all? Why, the Slave carrying bill, which is somewhat similar to the statute of George 2, in its object, did not even deprive such offenders of the use of the sea, which they had so perverted and polluted by their crimes; far less did it transport for seven years, even where the deaths of hundreds on board of such vessels happened not by accident, but as a necessary consequence of the overloading. He made no reflection on the statute of George 2, but its provisions appeared somewhat more applicable to the slave-trader, than the boatman. What had the divine legislator said on this subject? There was a most false and unfounded notion, that the sacred writings were silent upon it; he should prove the contrary. "Whosoever" (says "the Scripture) stealeth a man, and selleth him, or in whose hands he shall be found, shall surely be put to death." And what was our gloss or application on this divine text? "Whosoever" (says the English law) "stealeth a man, and tortureth him, and killeth him, or selleth him into slavery for all the days of his life, shall surely—pay twenty pounds!" (Hear! hear!)—He trusted that this grievous incongruity would at length be done away, and pledged himself to bring in a bill to that effect early in the ensuing session; but he earnestly hoped, that in the mean time the House would leave nothing unattempted which might tend to diminish the great evils complained of, and give effect to one of the most holy of our laws. He moved, "That an humble Address be presented to his Majesty, representing to his Majesty, that this House has taken into its serious consideration the papers which his Majesty was graciously pleased to cause to be laid before this House upon the subject of the African Slave Trade.—That while this House acknowledges with gratitude the endeavours which his Majesty has been pleased to use, in compliance with the wishes of parliament, to induce foreign nations to concur in relinquishing that disgraceful commerce, this House has to express its deep regret that those efforts have been attended with so little success.—That this House does most earnestly beseech his Majesty to persevere in those measures which may tend to induce his allies, and such other foreign states as he may be able to negociate with, to co-operate with this country in a general Abolition of the Slave Trade, and to concur in the adoption of such measures as may assist in the effectual execution of the laws already passed for that purpose.—That this House has learnt with the greatest surprise and indignation, that certain persons in this country have not scrupled to continue in a clandestine and fraudulent manner the detestable traffic in slaves.—And that this House does most humbly pray his Majesty that he will be graciously pleased to cause to be given to the commanders of his Majesty's ships and vessels of war, the officers of his Majesty's customs, and the other persons in his Majesty's service, whose situation enables them to detect and suppress these abuses, such orders as may effectually check practices equally contemptuous to the authority of parliament, and derogatory to the interests and the honour of the country."

The *Chancellor of the Exchequer* highly approved of the leading sentiments of the speech of the hon. and learned gent. and added, that it was with no view of opposing him in any respect that he had now risen, nor was he disposed to weaken the impression of his speech, by going over the same grounds. He concurred with him as to the expediency and propriety of the object he had in view, and expressed himself most anxious to embrace every rational means to carry into full effect the provisions of the Abolition act—a measure which always had and ever would have his sincere and zealous support. There was, however, one passage in the Address proposed by the hon. and learned gent. of which he could not so entirely approve, as he did of all the rest. The passage to which he alluded was that which went to pledge the House to the adoption of some measure next sessions. The very different views different men, who agreed as to the object, might take as to the efficacy or propriety of the means proposed, make it desirable not to pledge the House to a specific plan; and though this was not proposed, but only a general engagement to adopt some measure on the subject, it seemed to him not a case in which it would be quite regular in point of form to insert even that general engagement in an Address from the House to his Majesty. He should therefore suggest to the learned gent. the propriety of altering the passage; and the Address, if amended in that point, should have his most hearty support. He concurred in hoping that something might be done towards promoting the abolition of the Slave Trade in the foreign countries which are still friendly; and though he was aware that the difficulties which lay in the way of such an attempt were greater than the hon. gent. allowed, he rejoiced in being able to state, that the treaty just concluded would prove that some progress had already been made in obtaining the co-operation of the Portuguese government. He repeated the expression of his wish to see the abolition carried completely into effect, and joined in those terms of reprobation with which the conduct of the persons who still presumed to violate that law had so properly been branded.

Mr. *Marryatt* said, that in his opinion we were still assisting the Slave Trade, by our convoying its produce, and finding a market for it in other countries. We had in the beginning abolished it on the grounds of justice and humanity; but we had afterwards admitted policy into the calculation, and it was much to be feared our policy made us swerve from our purer motives. The inhumanity of this trade was generally allowed. He would ask, if it was so bad, why we should not treat those whom we found engaged in it as pirates? When we met pirates on the high seas, we never inquired to what country they belonged; we knew they were the common enemies of all, and we treated them accordingly. Why should we use the enemies of humanity more mercifully? But we bowed to policy, and we of course defeated justice. Such was the universal fate of all temporizing systems. We ought to adopt not a nominal but an effectual abolition of this abominable traffic. He alluded more particularly to the Spanish Slave Traders, who carried on a traffic, enormous in extent, and in its effects ruinous to the British colonies. We should tell those Slave Traders who come to ask our assistance, that we would not fight for liberty with one hand, and for slavery with the other; and that if they wished to be rescued from the thraldom of their enemies, they must not act the tyrant to those within their power. In truth, as some had formerly predicted, the Slave Trade was not destroyed, it had only changed hands. Trinidad no longer obtained the negroes so necessary for its cultivation (and here the hon. member stated the claims of the purchasers of new lands in Trinidad to a compensation or indemnity for the want of hands arising from the Abolition); but the same number of negroes, he continued, were exported from Africa; only, they went to the Spanish colonies instead of our own. He appealed to the British parliament on the part of our own planters, and trusted that effectual steps would yet be taken for remedying so serious an evil. While we carried our Abolition Act into execution, we should endeavour to extend it to our neighbours, and he should certainly support the Address, as having such a tendency.

Mr. *W. Smith* heartily concurred in the Address, and in all the sentiments of his hon. friend who moved it. He thought it highly honourable to the House, and he felt it peculiarly cheering to the friends of the Abolition, that so general an expression of concurrence was manifested in every invective which had been bestowed on the Slave Trade, and upon those great criminals, who, under the false name of merchants, dared to persist in those vicious practices. He thought the co-operation of other states might have been obtained in a greater degree, and particularly of Portugal and Spain.

Mr. *Stephen* said, that he was glad, though not at all surprised, to perceive that there was likely to be no substantial difference of opinion in the House on this interesting question. He nevertheless felt that it was right in him to offer a few remarks on some topics that had been introduced into the debate, especially as an hon. friend and near connection of his own (Mr. Wilberforce) was unavoidably absent from indisposition. The opinions of that gentleman would always be held of the first importance in questions relative to the Slave Trade, and they were, on the subjects to which he should advert, so exactly coincident with his own, that, in delivering his own sentiments, he might fairly desire to be considered as speaking at the same time those of his absent friend.—He not only cordially approved of the motion (subject to the formal alteration that had been suggested), but in most points entirely concurred in the views which his learned and hon. friend (Mr. Brougham) had so ably and eloquently opened. Indeed he entirely agreed with him in every part of his argument that he (Mr. S.) had heard; but having unfortunately entered the House some time after his learned friend rose, he had lost that part of his speech in which some dissatisfaction at the conduct of his Majesty's ministers in relation to the Slave Trade was supposed to have been expressed or implied. He therefore thought it probable that his learned friend's meaning had been misconceived: but if not, this was a point on which he (Mr. S.) entirely disagreed with him. It was but justice to the present administration to say, that they had shown no disinclination to give effect to the abolition, though some of them when out of office had opposed it. Having become a law of the land, it was their duty, and he was confident also their inclination, to do all in their power to promote its object, and carry it into full execution. He was not aware that any gentlemen on the other side of the House differed from him in this respect; but if they did, sure at least he was that they would give him credit for the sincerity of his opinion. It was proved by his general line of conduct in that House, in which he had the misfortune to differ widely with them; "for I would as soon (said Mr. S.) affiance myself in the bonds of friendship with a man who had strangled my infant child, as lend my feeble support to an administration disposed to violate the sacred duty of adhering to and enforcing the Abolition of the Slave Trade." He would not, however, be understood to mean that nothing had been omitted that could possibly have been done. He thought the contrary; for instance, he believed that the stationing some additional ships of war on the coast of Africa, for the purpose of capturing vessels engaged in a contraband Slave Trade, would have tended to give greater efficacy to the Abolition. But then it was but just to the board of admiralty to say, that they reasonably looked to the public promoters and friends of that measure, who are so intimately connected with Sierra Leone, and who have long been in the habit of communicating with the government boards on these subjects, for suggestions as to the means that might be wanted for enforcing the new law in Africa. Such suggestions had been furnished as to other means adapted to the same end, and had been readily attended to; for instance, the establishment of a court of vice-admiralty at Sierra Leone; and an application having lately been made for another ship of war or two to be put under the command of commodore Columbine at Sierra Leone, he was able to say from authority, that two ships were now preparing for that purpose. If there had been blame in not adopting such a measure sooner, candour demanded the confession that he himself and other gentlemen on both sides of the House who were in the habit of communicating with government on such subjects, were more in fault than the Board of Admiralty.—The same might be truly said of what he understood his learned and hon. friend to have alluded to, the omission to negociate with Sweden for the Abolition of her Slave Trade. Surely it was natural that his right hon. friend, the late secretary of state for the foreign department (Mr. Canning,) should be unconscious that a power like Sweden, which had not one agricultural colony in the West Indies, had any interest in the Slave Trade, and should not foresee that her flag would be abused for the purpose of covering the Slave Trade of other powers, when the most zealous and best-informed friends of the Abolition must tax themselves with the same inadvertency. True it was, that he and other members of the African Institution having received intimation of abuses of that kind, applied as a Committee of that society to his right hon. friend on the subject, but this was only about a fortnight before the revolution in Sweden, which extinguished every hope of a successful negotiation with that power.—It would, however, be extravagant injustice to his right hon. friend (Mr. Canning,) and his right hon. friend the Chancellor of the Exchequer, to suppose any want of attachment to the sacred cause of Abolition in either of them, considering their important services to it, when it was in the hands of their political opponents. They were content to augment the popularity of an administration to which they were hostile, for the sake of carrying a measure so near to their hearts as the Abolition of the Slave Trade.—After all, he trusted that there were no longer two parties in Parliament on this great and interesting subject. For his part, he doubted not that if the measure were now to be originated after the experience we have had, it would be carried without any difficulty. The hardest tax to which his candour could be subjected was that of doing justice to his old opponents in this cause; and yet he must say, that on the face of the evidence by which the credulity of Parliament had been abused, there was room enough for difference of opinion in every view but that of strict abstract moral principle. Humanity had fraudulently been enlisted in the service of her enemies, by pretences that the Abolition would produce massacres on the coast of Africa, and insurrection, with all its revolutionary horrors, in the West Indies, as well as ruin to our unfortunate planters, to the merchants of Liverpool, and the general commerce of the country.—He doubted not that many gentlemen who disliked the Slave Trade on moral principles as strongly as himself, had been led away by these bold and false predictions of self-interested and prejudiced men. But experience had dispelled all such illusions; for these supposed consequences of the Abolition were in their nature, if real, to be immediate. During between two and three years the British Slave Trade had been totally abolished by law; yet there had been no massacres on the coast; no insurrections in the colonies; Liverpool had not been ruined or injured; and the general commerce of the country was flourishing beyond example. He verily believed, therefore, that gentlemen once zealous against the Abolition of the Slave Trade, would now, if the question could be revived, be found among its most active promoters. He could distinguish among them men eminent for their humanity and their attachment to the interests of the poor; but they had been led to believe that humanity itself pleaded against a sudden cessation of that commerce.—Mr. Stephen then proceeded to make some observations on the speech of Mr. Marryatt. His hon. friend was always entitled to the attention of the House from the good sense and perspicuity which never failed to distinguish his arguments, but more especially on a question like the present, on account of his known connexions, both public and private, with the sugar colonies. [Mr. M. is colonial agent for Trinidada, as well as an eminent West India merchant.] He was therefore peculiarly happy to hear his strong and impressive condemnation of the Slave Trade, on principles of humanity and justice. He certainly agreed with his hon. friend that we were bound not only by those principles, but in just attention to the interests of our own colonies, to use our best endeavours with foreign powers to induce them to follow our example, and to renounce their shares of that detestable commerce. But he could not admit to him, that if we unfortunately failed in those endeavours, all the evils of the Abolition would be ours, and all the benefits theirs. On the contrary, our colonies, supposing the Abolition to be effectual, would acquire a great increase of interior strength, while the foreign colonies would be progressively weakened, and endangered by the effects of their opposite system.—Still less could he admit that we had gained nothing by the Abolition, or even that the trade had not in practice been greatly diminished; he should be sorry so to undervalue the effects of a measure which had been the best boast of the country, and the times we live in; and the greatest compensation for the crimes and miseries of the age. Much had been done, though much, he admitted, still remained to do: a vast proportion of the former export of slaves from Africa had been cut off, and the contraband trade, though probably great, was trifling when compared with the legalized commerce that before prevailed under the British flag.—But if the reverse of all this were true; if the exportation from Africa had not been diminished by a single slave, still he would be far from admitting that we had gained nothing from the Abolition. We had at least delivered ourselves as a nation from the guilt and shame of authorizing that cruel and opprobrious traffic; and this, in his mind, was an advantage above all price.—If we had effected nothing more, he should rejoice and bless God to the last hour of his life for that happy deliverance. The treatment of the trade when carried on by foreigners, by the consent of their own legislature, was a subject of very difficult consideration. He could not at present agree with his hon. friend (Mr. Marryatt,) that we could warrantably compel them to relinquish it, though the proposition that the act is in its nature piracy, and such as all nations not involved in the same guilt have a common right and duty to suppress, was by no means so untenable as some gentlemen seemed to suppose. But there was a wide medium between prohibiting the trade to independent countries, and contracting commercial or defensive alliances with those who chose to persist in it. He hoped never to see a treaty with the new South American powers by which this country could be called on to give them any auxiliary aid or protection, unless the abolition of their Slave Trade was one of its stipulations. It would be reason enough for avoiding such a compact, that their exposure to convulsions while their population is increased by that commerce, and their interior weakness in a military view, must make their defence when no longer supported by a mother-country in Europe, extremely onerous and dangerous to an ally. But their prosecuting the Slave Trade was also a positive prejudice to us; especially by making it extremely difficult to carry our own prohibitory laws into effect, and by frustrating our efforts to civilize Africa, and profit by her innocent commerce. We had strong ground here to negociate upon with allies for whose freedom and independence we were struggling; and we had an unquestionable right to make their renouncing the Slave Trade the condition of our further support; though he was not prepared to say that it would be right under the circumstances of the case to do so. It must be admitted that the court of Brazil would have great difficulties in acceding to such a demand, however well disposed to adopt our own principles.—As to subjects of our allies carrying on a contraband Slave Trade from England, or by means of their residence here, the case clearly ought not to be endured. If the existing penalties were found insufficient, as the case of the Commercio de Rio seemed to prove, they ought to be increased, and persons who so abused our hospitality, though they might be clothed with a public character, ought to be sent with ignominy out of the country.—His hon. friend had said, that among the sacrifices which we had made in renouncing what he admitted to be a detestable commerce, we had imposed a great hardship on the settlers in Trinidada, who had embarked their capitals there, relying on being able to procure slaves to cultivate their lands. This proposition he must intirely deny: no such hardships could be with any colour of reason alleged. If any person had settled in Trinidada, or embarked capital in the purchase of lands there, since the island first came under his Majesty's dominion, relying on its being a place where he should be able to buy or import slaves, or even to cultivate his lands by slave labour, as in our other sugar colonies, he had speculated without any authority or encouragement from his Majesty's government, and in opposition to express and authoritative declarations on the subject. Both Mr. Pitt and lord Sidmouth, when in administration, had publicly disavowed having any design to acquire in Trinidada a new slave colony.—The latter had with some indignation disclaimed in that House the having any such purpose; and it had been generally given out and understood, that this new island, far from being settled on the same principles with our old sugar colonies, was to furnish a happy contrast to them, and become a farm of experiment, by means of which the practicability of an improved and beneficial system of colonization in the West Indies was to be ascertained.—(Cries of hear! hear! especially from Mr. Canning.) If, under such circumstances, any British proprietor in that island was disappointed in his speculations, by the Abolition, he had clearly only his own folly and rashness to blame.—Mr. S. adverting to the form of the resolutions and address as proposed by Mr. Brougham, admitted that it might be irregular to insert in an Address of this kind to the crown a pledge or declaration of what the House intended hereafter to do. It would, he agreed, be better to put that part of the Address into the form of a separate resolution, as his right hon. friend had suggested. But he saw no objection whatever to the House now resolving that such a measure as was generally described should be taken early in the next session of Parliament. The motion did not propose to pledge the House to any specific measure, but that some law for the more effectual execution of the Act for the Abolition of the Slave Trade was necessary, no man who knew the case could doubt.—If there were no other defect in the law as it stood, the provisions as to appeals from condemnation of negroes as prize, or as forfeitures, for the purpose of restoring them to freedom, would clearly want some emendation. Here Mr. Stephen described some great inconveniences that arise, as the law stands, from such appeals, by which the state of the negroes, as slave or free, may be kept for years in suspense. He mentioned also an important and difficult question depending before the lords commissioners of appeals in prize causes, as to the effect of the American Abolition Act upon claims for Africans unlawfully carried under the American flag*.—He professed himself to be of opinion with Mr. Brougham, that the penalties for contraband Slave Trade, when carried on by British subjects, ought to be increased: the offence was, in its nature, piracy and murder! for it could rarely, if ever, happen, that a cargo of slaves could be carried across the Atlantic without some lives being lost, from the effects of their illegal imprisonment. Unlawful homicide, proceeding from wilful violence, perpetrated from the most sordid of motives, could not, he thought, be consistently treated as an ordinary case of contraband trade, and punished only with the ordinary penalties of forfeiture of the property engaged in it. Upon the first renunciation, indeed, of a trade so long unfortunately sanctioned by law, it might have been thought too strong a course to apply those penalties which its moral character would well justify; but if British subjects were found abandoned enough to prosecute a trade in human blood, in defiance of the laws of their country, Parliament would be bound to put a stop to such atrocious crimes, by the terror of adequate punishments.

Mr. *Canning* concurred entirely in the motion both for the Address and the Resolution, pledging the House to further measures. He thought that those should should only be generally alluded to—for he was against coming to any specific Resolution on so grave a matter as the creation of a new felony, without mature deliberation; and while it might be ascribed to the House being heated with the honourable mover's address. The reasons which justified the punishment as crimes, of acts once permitted, were, either that the temptations to commit them were so strong as to overcome any ordinary apprehension of a pecuniary nature, and to render the commission of them extremely frequent; or, that the means of concealment were very easy. In such cases it was found necessary to provide other checks, and to consider the acts as objects of penal sanction. He did not say that the Slave Trade might not fall within the scope of this proposition; but neither could he at once say that it did fall within it. All he contended for was, caution and delay in so delicate a matter, and one involving so many weighty considerations. He agreed, however, in the reprobation of the Slave Trade, and the violators of the law who still practised it; and trusted, that every means would be used to detect and punish such great enormities, whatever persons might happen to be involved. (Hear! hear!)—With respect to the Foreign Slave Trade, he feared the difficulties had been underrated. The Spanish and Portuguese governments had been blamed for not joining in the Abolition by some gentlemen; and the hon. mover had insinuated, by his manner of treating this subject, some blame against the government of this country, for not prevailing upon those allies to do so. But had gentlemen duly reflected on the situation in which those governments were placed at the moment when it was said our negotiations ought to have begun, for this purpose? The government of Spain was providing for its self-defence, and was constantly shifting its seat under the pressure of a powerful enemy; and the government of Portugal had just removed its seat from Europe to South America, where it was placed in the midst of those whose prejudices were the most inveterate, and whose interests, real or supposed, were the largest in favour of the Slave Trade. This was not the moment to attempt such changes. Suppose, to put a parallel case, that this country had been invaded, and the government driven over to Jamaica, would that be the point of time when the Abolition would most easily have been carried? We must observe, however, that, after all, the Americans were the great Slave Traders. He had stated his opinion upon this point when the hon. mover first brought forward this subject, and he must still repeat it. He was certainly confirmed in it by the knowledge of a material fact, that the American government granted licences to vessels engaged in carrying on the Slave Trade, and thus made itself a party to the violation of its own laws, and a sharer in the profits arising from the Slave Trade. The right hon. gent. bestowed an encomium on the efforts of Mr. Pitt, for the Abolition, and denied that Trinidad had ever been intended as a Slave Colony; and therefore there could be no ground for the compensation claimed by an hon. member (Mr. Marryatt,) in behalf of the planters of that island as an indemnity for the supposed losses from the Abolition. They had purchased, under an understanding that the Slave Trade never would be permitted in that island. On this point he could speak with the more confidence, because he had brought forward this subject in the year 1802, after the peace had ceded Trinidad to this country, and had obtained a pledge from the noble lord (lord Sidmouth), then at the head of the government, that the grants of land in that island should be made on the express understanding that the Slave Trade should not be extended to it. Mr. Canning concluded with professing, that no man was more anxious than himself to see this detestable traffic completely destroyed, and that he heartily concurred in that motion as having such a tendency.

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* This has since been happily decided in favour of the African captives.

Mr. *Hibbert* said: He did not rise to oppose the motion of his hon. friend, or to attempt to diminish the impressions made by his eloquence, and by that of others who had followed him in the same strain. If he had at another time, objected, upon the ground of its inexpediency and impracticability, to a measure which was not then the law of the country, he knew what was now his duty in deference to what is the law of the country. He had at no time denied that an Abolition of the Slave Trade, could it be effected, would be a vast benefit to humanity, but he had opposed the act for abolition, because he believed that it would deprive the British colonies of all possible means of recruiting their population, leaving at the same time the rival colonies of France, and of other nations in possession of those means, and consequently failing to effect the good it pretended to confer upon Africa. The proposition before the House shewed, that hitherto experience had only confirmed his opinion, for, at the time when we abolished our slave trade, we had no reason to reckon upon those favourable events, which have given us, as it were, almost an entire control over the intercourse between Africa and the West Indies, and enabled us to approach to an interruption, for a short interval, at least, of the traffic in slaves upon the African coasts. This he had ever conceived to be the most probable, nay, the only possible means of effecting a real and complete abolition. But although the cards which had been put into our hands, had been better than we had a right to expect, yet, after doing the best we could with them, his hon. friend was that night complaining to the House that the miseries on the African coast were continued, foreign colonies supplied, and that the old British colonies were suffering by an unequal competition: he did not wonder that it was so, that our efforts to stop the trade of our allies, had even under the most favourable circumstances, been ineffectual; for besides what had been so ably urged on this part of the subject by the hon. gent. who had spoken last, our allies might say to us, "You did not think of abolishing this trade till your colonies were prospering under high cultivation, and until by their means you had established a marine which has given you the dominion of the sea; and, when you were already master of the sea, you yet took twenty years for discussion before you would deprive your colonies of this resource, call not upon us then, who have made no such progress and whose colonies are only beginning to flourish, to adopt without hesitation and without mitigation a law which you yourselves have so reluctantly and so gradually adopted.

Of all the West India islands, he was

most acquainted with Jamaica, and after the most diligent enquiry, he was satisfied that into that island there had not been illegally imported one single negro since the Abolition Act took effect. Yet Jamaica, he was well persuaded, from the most authentic reports, was, in spite of all that humane regulations could do, declining in its black population. He had heard it said, in the course of this debate, that if such were the case in any of our colonies, the blame rested on the colonists, by their having been backward to adapt themselves to their new situation, and to make those wise and humane provisions for the support of their population, which the act of Abolition called for. He was one that believed that in all our old colonies laws calculated for this purpose had long existed, but he recollected that when the measure of Abolition was debating, its advocates had said: Of what avail are laws betwixt the master and the slave? pass but this act and it will do more than volumes of legislation to secure the humane treatment of the slaves, for it will then become the evident interest of the master to support their numbers by good usage instead of wasting their lives, by hard labour and scanty food, as he will be tempted to do as long as he remains secure that he can replace them by purchase.—Such had been the argument then used, the fallacy of which would soon appear, for although the Abolition act had passed, and the interest of the planters had received the wished for direction, yet, it would be found that the population of Jamaica could not be maintained.—He thought it was somewhat soon for his hon. friend to assume the tone he had done in speaking of all that related to this trade. His hon. friend surely forgot that the acts of parliament were still upon the table, and but three years ago were in force, which not only tolerated but expressly encouraged and stimulated, as intimately connected with the prosperity of the kingdom, that trade which was now the object of such unqualified reprobation. It was too soon he thought also to pass a decisive opinion upon the political consequence of what we had done. The time he looked to with dread, and which would indeed present the subject under a new aspect, would be when France was again in possession of extensive colonies in the West Indies. Cultivating them as she would do, under every advantage of a free and uninterrupted intercourse with the coast of Africa; through their means possessing a formidable body of experienced seamen, and beginning to rival us upon our old domain, the ocean, at a time too, when our own colonies, hitherto a main support of our naval power, should be fast going to decay. At that time, which he believed would arrive, it must greatly add to our grief and vexation, a grief and vexation in which he should heartily partake, if on turning our eyes to the coast of Africa we should see that we had effected no revolution there in favour of humanity. That the same disregard of civil liberty, the same unprotected state of property, still continued among that people to impede civilization, and to perpetuate the crime and miseries which we had fondly believed would cease with the sacrifice we had made.—Meantime, he could not but agree with his hon. friend, that we should under our present circumstances use every possible effort to put an end to any illicit trade which might exist among ourselves, and to check or discourage the trade, more or less direct, of other nations, by which the foreign colonies continued to be supplied with slaves, and he should therefore give his support to the Address.

Mr. *Brougham* said, that as there had been in the course of the discussion no material opposition given to what he had stated in his speech, he should not feel it necessary to make any reply. He should however, offer an explanation as to one or two points on which he had been misunderstood. He did not intend to reflect upon the sincerity or diligence of his Majesty's government in seconding the Abolition Act—he was willing to give them credit for both; but he could not help regretting that they had been able to effect so little in carrying the object of the address presented to the crown by both Houses four years ago. It had been said, that the slave trade had not been materially diminished by our abolition acts. Nothing could be more unfounded. After mentioning several other proofs, he said it might be enough to instance the reduced prices of slaves on the coast since the acts passed; instead of 100 dollars, they now sold for 20: a reduction wholly owing to the lessened demand, for no man could pretend that the supply had been increased. He contended, therefore, that great progress had been made towards the complete abolition of the traffic, and only wished to accelerate it. It had been said, by a right hon. gent. (Mr. Canning,) that the American government gave licences to ships to evade the American abolition laws. This he took upon himself flatly to contradict. The right hon. gent.'s statement was utterly improbable, and would be found to have originated in total misinformation. He ventured to deny it upon the positive authority of those most intimately connected with the American government, most in the confidence of that government, and most likely to know the truth or falsehood of such an assertion. It was impossible for any man to have been more grossly deceived than the right hon. gent. had been in this particular—he spoke without the slightest partiality towards the Americans, excepting only on account of their exertions in favour of the abolition; but fairness and truth compelled him, as it had forced others, who could not be suspected of undue partialities towards America (Messrs. Stephen and Wilberforce,) upon a former occasion distinctly to repel such insinuations. With respect to the measure of which he had given notice for making the traffic in slaves a felony, he was confirmed in his sentiments by all that had passed that night, as well as by every consultation he had had with the most enlightened and able persons in the House. And he concluded—after shortly replying to some objections thrown out on this head—with exhorting the House to prepare for taking such steps as alone could do justice to its own feelings, preserve its consistency, and thoroughly extirpate the traffic; namely, a statutory declaration, punishing those deeds as crimes and felonies, which were, in their whole nature, most felonious and criminal. He had no objection whatever to separate the Resolution pledging the House, from the Address; and the Address was carried accordingly *nem. con.*

Mr. Brougham then moved the following resolution, which was also carried unanimously: "That this House has learnt, with great surprise and indignation, the attempts which have recently been made to evade the prohibitions of the Act abolishing the African slave trade; and that this House will, early in the next session of parliament, take into its consideration such measures as may tend to prevent such daring violations of the law."

[Vote of Credit Bill.] The Chancellor of the Exchequer moved the order of the day for the third reading of the Vote of Credit Bill. On the question being put,

Mr. *Whitbread* rose and said, that having forborne to bring forward any motion on the state of the nation, seeing that the general attention of the public was fixed upon one great question, he thought it better to postpone any observations he had to offer, as well upon the general situation of the affairs of the country, as upon what might take place between this and the next session of Parliament, to some of the stages of the bill upon the table. But before he should proceed to the consideration of these topics, he must be allowed to make a remark upon the manner in which the public business had been transacted in that House, during the last six weeks. Gentlemen must recollect the late sittings, and the unusual and unprecedented fatigue of attendance, to which they had been uninterruptedly constrained to submit within the whole of that period. Sufficient time was not allowed for the due consideration of public business. To suit the views of the minister, who wished to get rid of Parliament as soon as he could, the members of that House, who were not inclined to abandon their duty, were compelled to devote night after night, without rest or intermission, to watch the precipitate progress of the many important public measures which had been so inconveniently forced together, within that short space of time. The consequence was, that the session, laborious perhaps beyond example, was still insufficient to allow of that just, and deliberate, and ample discussion, which it was of the very essence of the constitution of that House to bestow upon public business. If this practice were to be persevered in, that House would, by and by, become a cypher in the state, possessing probably still all the forms of unfettered deliberation, but incapable of controuling a corrupt or profligate administration, and, in reality, exercising its functions only in registering the edicts of the executive government, upon whose conduct it should constitutionally be a vigilant and effectual check. However monstrous such a state of things would be, he could assure gentlemen, that the transition was not so difficult or extravagant, as might at first be thought, if the course pursued in the present session should be followed in future Parliaments. For himself he could discover in principle no great difference, between registering, with insulting, because unmeaning, forms, the decrees of a government, and passing the measures of a minister without sufficient examination, and upon hasty and imperfect, and consequently ineffectual discussion. If mature deliberation was essential to the performance of their legislative functions, to deprive that House of the opportunity of such deliberation, would be to destroy the first principle of its institution. How far the manner of conducting public business during the latter part of the present session, might have a tendency that way, he should leave to the House to decide; but thus much he felt it necessary to say upon the subject, before the Parliament should separate, as he considered the practice he had alluded to, not only productive of much present inconvenience, but pregnant with future mischief.

With respect to the arrangement of public business in future sessions, he had been given to understand, that it was the intention of the right hon. gent. (the Chancellor of the Exchequer) to propose a regulation, which would in a great measure obviate the inconvenience of which he had been complaining. The principle of that regulation was, that notices and orders of the day should take precedence of each other on alternate days. That such an arrangement would be attended with some advantages he was ready to admit, but he must protest against the principle, that the House, by adopting any resolution on the subject, should put it out of the power of any member to make a motion without previous notice or regard to such an arrangement. Occasions, when it might be necessary to make motions in that summary manner, would not often occur, but unquestionably whenever they should arise, it would be inconsistent even with the object of the right hon. gent. himself, that an arrangement, made for the convenience of the House, should operate to the disadvantage of the public interest, by precluding the right of submitting any motion on a sudden, when delay would be fatal to the object of such motion. It was upon the principle, that delay might be attended with injurious consequences, that according to the established usage of the House, precedence was uniformly given to notices. With this reservation, therefore, of the right of dispensing with the form of notice in cases of an urgent description, he should feel no objection to the regulation intended to be proposed by the right hon. gentleman.

Before, however, he should proceed to call the attention of the House to the important considerations arising out of, and connected with, the bill upon the table, it might not be altogether amiss to say a few words upon some subjects of a more limited though not less interesting description, which had been incidentally brought before the House in the course of the session. The first of these was the case of the seaman Jeffery. With respect to this case, he was bound to do the Admiralty board the justice to declare, that they had shewn a most laudable anxiety to inquire into and ascertain every circumstance connected in any degree with it. It was likewise due from himself to that board to acknowledge his sense of the attention with which they communicated to him all the information they received respecting this unfortunate man. The result of these communications and of the publication which had recently appeared, and which gentlemen must have read in the public prints, was a thorough conviction in his mind, that Jeffery had been taken off the island by an American vessel, after having remained there several days, and that he either now was, or lately had been working at his trade of a blacksmith, at Beverley in America. He hoped that the noble marquis at the head of the foreign department, would therefore take, if he had not already done so, immediate steps to procure the return of Jeffery, and his restoration to his family and friends.

Another subject, upon which it was his intention to have troubled the House at some length, if the session had lasted long enough to have afforded him an opportunity, was the report made to the House upon the conduct of certain officers of the exchequer, on the late occasion of funding exchequer bills. It was painful to press the necessity of removing any public officer, particularly when he was far advanced in life, and not in affluent circumstances, except in cases of very gross and aggravated misconduct. But it was actually impossible for any one, who should read the report, to which he alluded, to entertain the least doubt, not alone of the propriety, but of the indispensable necessity, of removing sir John Peter from the office he held. With respect to Mr. Planta, he felt it due to him to declare, that it was most obvious from the report, that that gentleman had conducted himself not only as an honest, but as a faithful and meritorious officer, and that not the slightest shadow of blame was in any shape imputable to him. Against Dr. Cudlipp, the third paymaster of exchequer bills, he had nothing to say. That gentleman was in the country at the time of the transaction to which he was pointing the attention of the House, and consequently could neither be a party to, nor responsible for the disgraceful misconduct exposed in the report. But there was another person in the office, who was deeply implicated in the transaction;—whose conduct had been as reprehensible as that of sir John Peter—he meant Mr. Palethorp. The criminal impropriety of his conduct was greatly aggravated by the prevaricating manner in which he gave his evidence before the Committee, having by his evasions and shuffling answers, detained them for hours in extorting facts from him, which he might have disclosed in three minutes, had he been disposed to give his evidence plainly and honestly. A man, who had so misconducted himself in office, and had given such a testimony, ought not on any account to be suffered to retain his situation. These were points, however, which he must now leave to the discretion of the Chancellor of the Exchequer, relying with confidence that his decision, under the circumstances he had stated, must be alike consistent with propriety, and satisfactory to public justice. He also took that opportunity to suggest to the Chancellor of the Exchequer, the necessity of making some alteration in the system of the exchequer bill office;—if that could be called system, which, as appeared from the report of the Committee, was a scene of the most disgraceful irregularity, confusion and mobbing.

But to come now to the question immediately under consideration. The bill before the House in effect called upon them not only for a vote of credit, but for a vote of confidence also. By the increase or diminution of the sum they were thus about to place at the disposal of his Majesty's ministers, they would effectually enable them to put off, or inevitably oblige them to hasten, the meeting of parliament. In the course of the session, then nearly at an end, many events had taken place which were wholly unexpected. But there was one, and a most important event it was, which though at one time daily and hourly expected, had nevertheless not taken place—he meant the dissolution of the present administration, (a laugh from the ministerial benches). As soon as the gentlemen on the other side had recovered from their expected smile of derision, he would take occasion to bring some few circumstances to their recollection, which would show, perhaps, even to these right hon. gentlemen themselves, that the expectation of their fall was neither idle nor extravagant. He should only beg the House to consider how the right hon. the leading member of the administration stood, or could stand, in the just estimation of the country. When they looked to the manner in which the first lord of the admiralty had been appointed to that office, and called to mind the circumstances of that right hon. gent.'s recent public conduct, could they, he would ask, bring themselves for a moment to suppose that an administration so acting and so composed, was entitled to their confidence or that of the nation? In pointing at the right hon. gent. at the head of the admiralty: he was ready to admit all the worth of his private character, and all his merits as a useful colleague: but he must still contend, that, as a public man, he had sunk considerably in character, in consequence of the course he had thought proper of late to pursue in that House; and that the appointment of a person so circumstanced to one of the most important situations in the government, was highly indecent, and could not fail to excite the disgust and exasperate the inflamed and dissatisfied feelings of the country. That this was the case had been made abundantly manifest by the reception with which that right hon. gent. had met from his former constituents; when on being appointed a teller of the exchequer he vacated his seat, and, instead of being re-elected as he wished was decidedly rejected as he deserved to be, by the electors of Cambridgeshire. After this mortifying defeat in the county he had so long represented, the right hon. gent. was lost to that House, till a vacancy was made for him, and he was returned for St. Germains. All this time it was unsettled whether that right hon. gent. should be appointed to the office now held by him. The doubts and differences and distractions which prevailed in the cabinet respecting the manner of bringing him into office, kept the appointment in suspence for some weeks. At length however the distractions were composed or compromised, the right hon. gent. accepted the office, and though he had not at the time taken his seat for St. Germains, was obliged to go back, to be re-elected, to that borough, having taken office after his former return.

But this was not all. He would beg leave to state to the House how that right hon. gent. otherwise stood, unconnected with the circumstances of his recent acceptance of office, or the particular services which obtained it for him. It must be in the recollection of gentlemen, that that right hon. gent. had held the office of secretary of state for the home department in the administration of lord Sidmouth, who felt bound to resign his office when he found that he could not obtain the confidence of a larger majority than 38. Such a reduction of the numbers of his supporters in that House was considered a sufficient intimation, that the confidence of the House of Commons was withdrawn, and a very strong reason for his retiring.—But the administration still had a majority. He well remembered too the manner in which that right hon. gent. treated his bill to suspend the army of reserve then in progress through the House, when the result of a division on a question arising out of it, obliged him and his colleagues to abdicate their offices. Lord Liverpool was another of those who retired from administration on that occasion. There were several others in office at present who had been in the same situation, but it was unnecessary to go through the whole list. What he had already stated was sufficient to shew how the right hon. gentleman's sentiments must have been altered since that period. Such were his feelings then: what are they now?

Immediately after the decision of the question respecting the Walcheren enquiry by a majority against the minister, the right hon. gent. accepted the tellership of the exchequer, by which he vacated his seat! His last vote before his leaving the House was in a minority. In his return to parliament he found his colleagues in the same disastrous condition, and he gave his first vote after his return in a minority, and that too upon a question which was represented by the Chancellor of the Exchequer as one of vital importance to the nation. He who despaired of carrying on the government with a majority in his favour, went out of parliament leaving ministers in a minority; he returned to parliament to find them in a minority; and yet these ministers still retained their places, and the right hon. gent. himself had not only accepted of office with them, and notwithstanding the repeated minorities in which they had been left, he must be supposed to consider office even under such circumstances as a post of honour. The House would recollect, that in the debate on the Catholic petitions the Chancellor of the Exchequer had argued, that though the question were carried, if not by a large majority, it ought not to be acted upon; as a measure of such magnitude and national importance, and which would make so material an alteration in the whole system of our municipal policy, could not be safely adopted, when the opinion of parliament was nearly balanced, and the decision rested only upon a narrow majority. What then was the state of the administration in the efficiency of which the nation was so deeply interested? When it succeeded either in proposing or resisting measures in that House, was it not standing upon the narrowest majority that ever an administration dared to rest upon? Was it then to be endured that any set of men in such a situation should claim to be entitled to confidence, or think to go on with the conduct of public affairs?

He had dwelt thus long upon this topic with a view to shew, that the opinions of the right hon. gent. now at the head of the admiralty, of lord Liverpool, and of the others to whom he had alluded, had been very materially changed, since the former resignation of office. Whether they had changed for the better, or for the worse, was quite another question. They, he had no doubt, would assert the affirmative, but he could have no hesitation to declare and to maintain the negative. One great practical lesson, however, might be derived by the parliament and the country, from the continuance in office, namely, that the influence of the crown could now maintain an administration in power without the confidence of that House. This was now an indisputable and incontrovertible fact, however inconsistent it may be with the principles or dangerous to the existence of the British constitution. What but such an unconstitutional influence could have supported in office a minister, who had been so often and so signally defeated, and upon so many important questions, as the Chancellor of the Exchequer had been during the present session? The right hon. gentleman had been defeated in the nomination of the different committees appointed during the session to prosecute the important inquiries connected with economy and reform. He had, in the first place, been defeated in the nomination of the finance committee, that committee, from whose labours so much important information was derived, and from whose future exertions so much public good was to be looked for; or, if not totally defeated, the result, at least, was different from what it would have been according to his wishes.

He had been defeated in a still more recent instance in the bullion committee, for the appointment of which, and for the beneficial results of the profound and enlightened investigations in which it had been engaged, the public was indebted to an hon. friend of his (Mr. Horner). That committee had already made one report, which was on the table, and though he had not had time to make himself quite master of it, he was persuaded, that the nation would derive essential advantage from the important facts, and the sound and liberal suggestions it contained upon that most difficult and interesting subject—the state of the national currency. The right hon. gent. who was a member of that committee, when a question was to be decided in it respecting the restriction of cash issues from the bank, a question essentially connected with the interest of the whole commercial body, came down to the committee with all the force he could muster, determined to oppose that part of the report, and was defeated by a majority of fourteen to four. This defeat was the more remarkable because the right hon. gent. considered the whole as a subject of vital importance, and had consequently assembled all the members he could influence to stifle that part of the report of which he disapproved. Whether after his disappointment the right hon. gent. will look upon the question as of the same consequence is not quite so certain; but unquestionably the majority of the Committee, sensible of the evils brought upon the country by the restriction, and anxious to lay the foundation of some remedy, resisted the views of the right hon. gent.; and to their firmness it was owing, that the House and the public have now the benefit of that part of the report, which it was his intention to strangle at its birth.

Notwithstanding the great inconvenience suffered by the public from the present state of national currency, an inconvenience now more severely felt than at any previous period, it was not his opinion, that the evil was of very recent growth. He apprehended that the calamity, now so sensibly felt, had originated in 1797, when the restriction was first imposed. It had been then predicted, that, if the restriction should continue but three months, the country would be ruined; yet that restriction had continued until it was feared it would become permanent: and though national ruin had not followed, great and extensive public embarrassment had been the consequence. It was upon a vital question of this description, and under such circumstances, that the prime minister of England had been foiled by a majority of fourteen to four, and yet that minister dared still to cling to office. If Mr. Pitt, the author of that restriction, possessing as he did the unlimited confidence of a great majority of that House, and of the nation, had been defeated in such a way, it would have shaken his administration. The right hon. gent. however, having sustained the defeat, not only outlived the shock, but, Antæus-like, seemed to derive fresh vigour from prostration; maintaining his administration, and calling for unlimited confidence from that House and from the country!

Unable to give such confidence to such men, and not seeing in what manner three millions of money could be well applied, he thought the vote proposed much too large. He most certainly could not extend such confidence to the present administration, as to place at their disposal so large a sum, without knowing any certain and definite service to which it was to be applied. The sum was infinitely too large, and the confidence too great, for him to accede to the measure. They all knew well, that the King's minister had postponed the meeting of parliament this year to the latest possible period; and they must all equally well know, that he was determined to get rid of parliament as soon as he possibly could. What then was the natural inference, but that if he should obtain this Vote of Credit, he would avail himself of it, to keep parliament from assembling to the latest possible day? What he had already done, the right hon. gent. would do again, and he must repeat the assertion, that he had postponed the meeting of parliament this session, not upon public grounds, but for his own private political purposes,—that he had not advised his Majesty to assemble his parliament, until the last guinea was spent, and he was unable to go on longer, without obtaining grants of money from that House. Gentlemen cannot have forgotten the distractions which took place in the cabinet, during the last summer. The differences which then prevailed, and the difficulty of completing the arrangements thereby rendered necessary, a difficulty not got over till after December, must be fresh in the recollection of the House. These indecent and disgraceful proceedings, were reasons for putting off the meeting of parliament, which the right hon. gent. could not assemble, until he had patched up some sort of an administration, with which to face parliament. It was scarcely possible, that the shameful scenes which took place last summer, should be renewed, but yet from every appearance at the close of the last session, any one might have thought it morally impossible, that such vile intrigues as were at that time in progress, could have been conceived, still less acted upon by honourable men.

Before he quitted the consideration of matters purely domestic, he had a few observations to submit to the House, on a question of the last importance to the public, which had occupied much attention, and excited no small degree of alarm during the last six weeks, an alarm which he trusted had been principally owing to exaggerated representations of danger. The question was of so delicate a nature, that he should not have thought of touching upon it in that House, if it had not been already freely canvassed out of doors: the question he alluded to, was the alarming prospect of a scanty harvest. As there was but too much reason to suppose, that the crop of the present year, would be greatly short of an average crop, he trusted that no measures would be omitted for procuring as large a supply as possible from abroad. He hoped also, that in the event of the visitation of a scarcity, no legislative interference should be resorted to, as during the former infliction. In his opinion such laws were worse than useless, they were mischievous, in such cases; and it would infinitely better answer every purpose, for which the interference of the legislature might be thought necessary, if the members of the legislature were, after the separation of parliament, to use all their influence each in his own neighbourhood, to put the people upon economizing against the period of need.

He was happy to add that the accounts from various quarters throughout the country, concurred in representing the appearance of all descriptions of grain, as having greatly improved. At all events, he hoped, that no more complaints would be heard of, against persons for buying up corn, or for monopoly. It must be obvious, that nothing could so effectually secure a supply for the season of dearth, as that individuals with capital should, whilst grain is comparatively abundant, establish private granaries wherever public granaries could not be provided.

It was no unimportant part of this great question, that by far the larger part of our supplies of corn at present and for a considerable time past, had been imported from the ports of France, and Holland. The quantity he understood to have been not less than 20,000 quarters a week since Christmas. If this source of supply were cut off, and who could foresee how soon it might, the consequences might prove calamitous. But, thank God, the ports of America were again open, and offered to us a ready resource and an ample supply, provided that nothing should be done injudiciously to take that supply out of the market. He did not mean to press this subject farther, but he could not take leave of it without again recommending most strongly and most solemnly to his Majesty's ministers to adopt every measure of active and timely precaution, that may afford any prospect of warding off from this country, in these perilous times, the horrible scourge of scarcity and famine.

To return then to the amount of the vote under discussion. Upon what grounds, he would ask, arising out of our foreign relations, was it, that so large a Vote of Credit could be required? The Vote of last year did not exceed three millions, though Austria had, at the period of passing that vote, been known to have commenced the war, and bills even had been drawn by the Austrian cabinet upon London, in anticipation of the pecuniary aid to be solicited from this country. For his own part he had never foreboded any great advantages from the result of that war; but still the policy of aiding Austria, as she had actually embarked in the war, was a good ground to intitle ministers to come to that House for a Vote of Credit. Scarcely twelve months had since elapsed, and not only Austria was completely subdued, but one of the greatest efforts ever made by this country had, so far from succeeding, terminated in defeat, disaster, and disgrace. Austria was now in alliance with France, and that alliance was cemented by the marriage of Buonaparté with an Austrian princess. So that there could not now remain any possible chance of a renewal of war upon the continent, and consequently so far as the continent was concerned, there could be no occasion for such a Vote of Credit.

But if the right hon. gent. called for three millions, it would be desirable that he should state to what point of Europe he could direct the application of any armament he might fit out with that sum. The House must be aware, that on one hand, every power in Europe had been reduced to subjection by Buonaparté, whilst on the other hand, every thing had been tried unsuccessfully by us. A considerable addition had been made to the navy this year, and a very large establishment voted for the army. When there was therefore no point against which an expedition could be directed, and when a very considerable increase to the strength of the army and navy had been already amply provided for, for what other purpose could the right hon. gent. want this money, but to enable him to put off the meeting of parliament to a distant day?

Having proved that no such vote could be wanted in the existing circumstances of Europe, he was happy to be able to add, that, as things stood now between America and this country, it was not likely that any part of the vote of credit would be wanted so far as America was concerned. Having adverted to America, he should take leave to say a few words in the shape of explanation on the subject of some little difference which had taken place between himself and a right hon. gent. (Mr. Canning), respecting the instructions under which Mr. Erskine acted. He was the more desirous of doing this as the right hon. gent. had spoken on the subject in a former evening, with a warmth which the occasion had not called for, and he would own that the right hon. gent. surprised him as much by his heat in that instance, as he had by his previous and extraordinary silence, on other topics. The right hon. gent. seemed to think that he had pledged himself to bring forward a question, respecting America, in the shape of charge against him, but no such pledge had he ever given. The right hon. gent. had also complained of his having taken advantage of the state of the House, to bring forward the matter without any question immediately before it, whereby the right hon. gent. was precluded from going on with the debate and speaking in his own justification; from this charge Mr. Whitbread could vindicate himself, and he would appeal to the right hon. gent. himself for the fulness of his vindication. On the Friday he had told the right hon. gent., that on the Monday following, he should be prepared to state his opinion, respecting the conduct of Mr. Erskine, and of the right hon. gent. towards that minister. On the Monday he had a motion to make relative to the stamp office, and with the few words he had to say upon that business he had intended to have coupled his opinions upon the American question. He waited till the latest period of the night for the arrival of the right hon. gent., before he made his motion; and as he did not come to the House that night at all, he, (Mr. Whitbread), had not touched upon the subject then. He was therefore reduced to the necessity of acting irregularly in delivering his opinion at the time he did, which was upon the first appearance of the right hon. gent., and having waited, in courtesy to the right hon. gent., till it had suited him to come to the House, he was not altogether prepared for the reception which he had thought proper to give him.

He had said enough, he trusted, to vindicate himself from that part of the charge against him. He came next to the question of difference more immediately between the right hon. gent. and himself. He had never stated that the right hon. gent. had told a falshood in the face of the world, that expression belonged to the right hon. gent. himself: what he had stated was, that he was convinced, when the additional papers should be produced, that a different impression would be made by them on the House, from that, which the right hon. gent.'s statement, and the papers first laid on the table, were calculated to convey. These additional papers he had himself moved for, and he would still contend that the impression was different; in commenting upon the letter of the right hon. gent. charging Mr. Erskine with having departed from the spirit as well as the letter of his instructions, he had never imputed to the right hon. gent. that he had used any personal incivility towards Mr. Erskine. He had, however, undoubtedly asserted, from the information he had received, that the conduct of Mr. Erskine would be completely justified. After a perusal of the papers he was ready to admit that persons might form conclusions different from those which he had drawn, and that it was competent to the right hon. gent. to assert that Mr. Erskine had deviated from his instructions. But to him (Mr. Whitbread,) it appeared that under all the circumstances, Mr. Erskine was justified in the line he had taken, and that another golden opportunity of settling our differences with America had been lost, when the King's ministers refused to ratify the arrangement made with the American government; for these reasons he had forborne to make any motion on the subject of America. Other reasons would have rendered the expediency of any motion upon the subject questionable; he should be sorry to disturb the smoothness with which it was understood things were now going on with America, and above all, that right hon. gent. was no longer in office.

Having said so much as to America, he could not refrain from making a few observations upon a great event, which according to late intelligence from that quarter had taken place in the American legislature; and which presented a new opportunity of combining America with this country against the interests of France. If this was not sufficient to prove the disposition of America to amicable adjustment, and to put to the test the sincerity of the British government, what more, he would ask, could be required of America? Could she do any thing more to demonstrate her impartiality without an absolute surrender of her national independence by the unqualified adoption of our cause, and by direct and immediate hostility against France. Having resorted to the line of policy, of which the information had been recently received; having taken off her embargo; having opened her ports to the commerce of both belligerents, and having placed the military marine of both on an equal footing with respect to exclusion from her waters, what more, in the name of God, could America do against France? what ought this country to do then in this most fortunate conjuncture? What! but rescind her orders in council, and, by thus taking advantage of the just and honest feelings of irritation excited in the American government by the madness of Buonaparté (for he could call it by no other name) in confiscating their ships, make America unite with this country and engage against France. But then there remained the point of honour to be considered. This country cannot rescind her orders in council till America shall oblige the enemy to revoke his unjust decrees. How is she to compel France to this measure? If this be required of her, was it not obvious that it would make the repeal of the British orders in council depend upon a condition, absolutely beyond the power of America to comply with, in fact, to demand of her an impossibility? If she was unable to effect this before, how was it to be expected that she could accomplish it now, that she had adopted a line of policy which though regulated by a spirit of just impartiality would yet be considered by Buonaparté as a demonstration against France? Was not the commerce of France with America completely interdicted and annihilated. And did not that situation of these two nations open an invaluable opportunity to this country, by the means of a liberal and enlightened policy, to make America combine with her against the enemy? He would not on that occasion go into a consideration of what was, and what had produced, the present situation of American councils and policy: it was enough for him to know, that this situation was favourable to an accommodation, and he was perfectly satisfied, that the false point of honour, under such circumstances ought to be altogether disregarded, and every measure of conciliation taken, which might promote that most desirable consummation—an union of America with this country in a common cause against France.

Having disposed of that topic, he wished to be informed, whether any part of the vote of credit was to be wanted as against America. He remembered well, that at the commencement of the session an hon. gent., a lord of the admiralty (Mr. Ward) proposed a considerable augmentation of the navy, in order that government might be prepared, in the event of its being necessary to employ any part of the British naval force against America. No part of the vote of credit then could be wanted for the increase of the navy, which had already been enlarged to an extent, beyond any thing, which any possible exigency could require, in contemplation of a contingency, no longer likely to happen. There were but few other countries, where even the vigour of the king's ministers could look with any prospect of disposing of any part of this vote of credit. Sweden was now gone, she had made her peace with the enemy, and he was happy to find, that she had been left perfectly at liberty so to do by his majesty's ministers. We had not an ally in the North upon whom a single shilling of the vote could be lavished. What countries remained then but the peninsula and Sicily? The situation of the former, as the more important, he would reserve till the last, and would come to it after he had made a few observations on the state of Sicily.

It would not, he was persuaded, be affirmed, that the vote of credit proposed, or any part of it, would be wanted for any service connected with Sicily. Every occasion that could possibly arise in that country, had already been amply provided for by a grant in the present session of 100,000*l.* more than the amount of the subsidy paid to the king of Sicily in the last year. And here he must beg of the House always to bear in mind the precarious situation of Sicily; precarious not as a military position, but from the notorious fact of the people being disaffected to their government. He would readily admit, that we had no right to interfere with the municipal policy of that country. But we were bound, if we could, by timely and salutary advice, to induce some change in that system of government, and those measures of internal administration, which spread disaffection throughout the community, because if that disaffection should, as it most probably would, break out into a popular ferment, it must be kept down by British troops. Whilst our army was likely to be employed in such a service, our troops were subjected to severe exactions; and Great Britain, in the island of Sicily, was in fact one of the least favoured nations in point of commerce. The British army, upon which the Sicilian government relied for its defence both internal and external, was oppressed by that very government, and an object of jealousy to the people for the support it gave to a government so justly odious. What, then, must be the very critical situation of the British army in case of any serious attack upon that island? Besides, gentlemen should remember what was the nature and character of the government of Palermo. They all knew well how that court had acted at Naples, and unless they should shut their eyes against the lessons of experience; if they would judge of the future by the past, they must equally know that we had no hold upon that court but the tie of interest, of which they were to be the judges. The queen, who had governed at Naples on the occasions he had alluded to, was no less the ruler at Palermo, and it was not without apprehension he looked to what might be the future policy of that court, and what would be the inevitable danger to the British army in the event of any capricious change in favour of the enemy. This was by no means to be considered a chimerical anticipation of an improbable event.

By the late marriage of Buonaparté with an Austrian princess, a family connection was established between him and the queen of Sicily: and, however strange the supposition might appear at first, considering all that had passed, it was not at all improbable that that connection would lead to some good understanding between the courts of Palermo and Paris. They had already seen a letter said to have been written by Buonaparté to the queen of Naples; upon its authenticity he would not undertake to decide. But there had appeared lately in print some letters (alluding to the letters found on the baron de Kolli) still more extraordinary, and were they not since found to be genuine and authentic? He was satisfied that the adequate means will be systematically employed by Buonaparté, until at length the alliance with this country shall be broken off at Palermo, and a close connection established—founded on the adoption of his continental system against us, substituted for it. Let gentlemen then but consider, what would be the very alarming situation of the British army, in case of an attack on the part of the enemy, secretly abetted by the court of Palermo! What is its actual situation but that of police agents restraining the population of Sicily from acts of violence against their grinding tyrannical government?

If then, as he had endeavoured to shew, no part of the vote of credit, which his Majesty's ministers had thought it right to demand, could be wanted either for America or Sicily; and if there was not, as the House must be sensible there was not, a single point in Europe, to which a British expedition could now be sent, not alone without any prospect of success, but without a certainty of destruction, upon what rational ground could that House be induced to place so large a sum at their disposal? The continuance of the contest in the peninsula by no means would justify such a vote, because the most ample provision had already been made in the annual estimates for the force necessary to be maintained in Spain and Portugal.

There now only remained for him to consider the present circumstances of the peninsula. This subject, which from the magnitude of the interests at issue, and the nature of the consequences, that may result from an improvident perseverance in the hopeless contest, he looked upon as of the highest moment, he had reserved to the last, in order, that, by previously dispatching every other topic, he might be enabled to submit his views upon it in an unbroken tenor. He could assure the House, however, that it was not his intention to go at any length into the papers upon the table; though he must be allowed to give way to an expression of his regret, that there had not been in that House, in the whole course of the session, any particular discussion upon the affairs of Spain. He had likewise to lament that a right hon. friend of his (Mr. Sheridan) had from time to time put off the motion of which he had early given notice upon the subject, until at length he had abandoned it altogether. Whatever difference of opinion might exist between him and his right hon. friend, he still wished that the discussion should have taken place, and that the House of Commons should not have been exposed to the slur of having omitted, during an entire session, to pass any opinion upon or give any consideration to the most momentous point that could have come under their consideration. He was extremely sorry that the last star (Mr, Sheridan) in that brilliant constellation of orators, who were at the same time the pride and ornament of their age and nation, should have let slip such an opportunity of again displaying the extent of his exalted powers and commanding eloquence.

When he looked back to the votes which that House had been called upon to give on questions connected with this subject, he must contend, that they had not been treated with all the fairness and attention to which parliament was in all cases intitled. Why, he would wish to know, had they not more information laid upon their table, before they had been required to vote their thanks to lord Wellington? When the House was induced to pass that vote, what had been in reality the extent of their information on the various questions connected with the merits of the action, for which they were to bestow the high honour and transcendant reward of the thanks of parliament? Who then knew of the imbecility or treachery of the Supreme Junta?—Who knew of the extreme incapacity or gross misconduct of general Cuesta?—Who knew of the dire distresses and privations to which the British army was exposed before the battle of Talavera, and after that battle when obliged to retreat?—Who knew that in that action above 4,000 Spanish troops deserted their colours and fled with precipitation, throwing away their arms, and stripping off their regimental clothing before they received a shot from the enemy, terrified at the sound of their own fire?—Who knew, that at the bridge of Arcobispo the Spanish troops, (though it must be admitted that in both actions, some of their corps behaved extremely well) acted in the same dastardly manner, and fled in all directions without waiting for the fire of the enemy?—Who knew, that for these repeated instances of pusillanimity and flight, the horrible measure of decimation for capital punishment had not only been held out as a menace, but inflicted as an example?—Who knew, that a vile traitor had been sent by the Junta as commissary to lord Wellington's army—a traitor, who whilst writing to lord Wellington that the magazines at Truxillo should be appropriated to the use of the British army, was actually taking measures to apply them to another purpose; and whom lord Wellington had afterwards the opportuity of convicting of the treachery to his face by producing a letter in his own hand writing, stating his determination to appropriate these same magazines at Truxillo to that other purpose?—Who knew, or could suspect after the very eloquent panegyric pronounced last session by the right hon. gent. (Mr. Canning) upon the members of the Junta, that they would have wasted the season of activity and enterprise in low intrigues, or postponed the vital interests of their country to the prosecution of their own selfish objects and the gratification of their criminal personal ambition?—Who knew that the army of lord Wellington had been received in Spain, which it entered to protect it, in a manner in which no army had ever been received in any friendly or even neutral country? What hon. member was in possession, at the time, of a particle of information upon any one of these points? And yet the House should have had the fullest information upon all, before it was called on to vote its thanks for the victory of Talavera. What he had to complain of therefore was, that the fullest information upon these and various other equally important heads was detailed in the papers on the table; that most of these papers were at the time in the possession of his Majesty's ministers; and that, nevertheless, they had not thought fit to furnish that House with any of these documents so essentially necessary to enable them to form a correct judgment upon a question which they were called upon to decide.

It would be endless to enumerate all the instances of the deplorable weakness and the criminal misconduct of the government of Spain. Under such imbecility and impotence it was impossible to look upon the cause of Spain, at any period of it, otherwise than as hopeless of success, and certain of ultimate subjection. Had they it not on the authority of Mr. Frere, that the only military men in Spain competent to command an army, were Blake and the duke of Albuquerque; and was it not the fact, that, at a time when it was so essential to the maintenance of their cause, if any effort could now maintain it, to place all their best officers at the head of their remaining troops, the duke of Albuquerque was, through a low and abominable intrigue, at present in London in a diplomatic character? With all this, and infinitely more before their eyes, could they be so weak, so credulous, so infatuated as to expect any fortunate result from a cause so grossly mismanaged and so foully betrayed?

At the time the Spanish nation first burst forth into active resistance to the usurpation of France, he was ready to avow, that he felt sanguine in their cause, because he confidently expected that in the prosecution of the contest they would have displayed the same energies, the same generous ardour, the same heroic character which had been the proud distinction of their ancestors in the best periods of their history. The result, however, had frustrated his fond expectations, and with whatever reluctant feelings he found himself constrained by the irresistible force of facts uncontroverted and incontrovertible, to exchange the agreeable anticipation of the ultimate triumph, for the melancholy certainty of the present desperation of their cause. When he found the Junta of government incapable of vigorous exertion; when he saw all their measures tending only to ruin the cause which they professed to sustain; when he found, that lord Wellington, during the whole of his progress through the country could discover no energy in the people, except in packing up their moveables and in their sudden flight, at the appearance of a French patrol, and that that general could neither procure biscuit for his men, nor forage for his cavalry in any part of the country, how in the name of Heaven could he think, that we ought to continue to assist such a cause? We might, if we could be so infatuated, send out our last man to starve in Spain, but with such apathy in the people, and such ignorance and incompetence in the government, it was actually impossible, unless a total revolution in the feelings and conduct of the Spaniards should take place, that any effectual stand could be made there.

The hurry in which the business of the session had been forced upon their attention, must necessarily have prevented gentlemen from being able to look with any diligence into the papers upon the table; if they had examined them they would have found that there never had existed a government in Spain since the first moment of the general rising, round which the Spaniards could, or would rally. From the first to the last all was suspicion, jealousy, caballing and intrigue. There was neither wisdom in their councils, strength in their measures, nor enterprise in their operations. The conduct of that government was marked throughout by a jealousy and distrust of us, until the presence of a British army was necessary for their salvation, and then by an ungrateful neglect to provide the means for its support whilst fighting their own battles in their own country. It appeared from the papers, that, when lord Wellington and general Cuesta formed a junction after the battle of Talavera, the army of Cuesta was uniformly and abundantly supplied, whilst the British army was suffering every privation; and so far was Cuesta from allowing the brave defenders of his country to participate in the abundance of his supplies, as they had sustained the brunt of the battle, that parties of the Spaniards were actually engaged in intercepting our convoys and cutting off the supplies provided for the British army. Yet it was at such a moment, when the absolute want of every necessary obliged lord Wellington to retreat, when his mind was harassed with devising the means of relieving his wants, and his heart agonised in witnessing the severe privations to which his brave troops were subjected, without his having a possibility of removing them, it was at that moment that he was insulted by charges on the part of the Junta that he was deserting their cause, and that Cuesta had the modesty to assert to him that it was the principle of the English not to fight. Good God, then! with all these facts in their recollection, was it possible that they should ever consent to send another man into Spain? Could they expose another army in a country, where our brave soldiers were nearly starved, whilst the Spanish armies were abundantly supplied? where even the French armies were well supplied, and horses, and prisoners well fed, whilst the horses of the British cavalry were scarcely able to move for want of forage? Was it possible that they should determine to go on to the last upon the mere point of honour? For his own part, as he considered the contest hopeless, he was of opinion that the sooner the question was decided the better: and under that impression he wished sincerely that lord Wellington and his brave army were safe back. If that noble general, however, should be attacked in the position he occupied, he had no doubt he would obtain a most glorious victory, but, he feared, like the victory obtained at Talavera it would prove barren and unproductive. It would give the French another specimen of British valour, but he must deprecate such a waste of human life for the mere purpose of shewing what has been so frequently and fully demonstrated.

He must here beg to call the attention of the House to another branch of the question, though perhaps of minor consideration when compared with the topics he had been just discussing. The House must recollect the enormous amount of supplies of every description which had been sent from this country to Spain. In what manner, he would ask, had these supplies been disposed of? From the constant demand reiterated from the same quarters, it would seem they had fallen into a gulph which swallowed them up. But who were actually in possession of the clothes and arms furnished by England to Spain? The French troops. When the Spaniards fled they always threw down their arms and cast off their clothes for the greater facility of flight, and the better prospect of security in case of capture. This was no idle statement: the account was given by lord Wellington himself, in one of his dispatches; and in truth the contents of these dispatches were alone sufficient to shew him how little was to be expected from the Spanish people. He was bound, however, in fairness and justice, to except some splendid instances of undaunted valour, and exemplary heroism, which had been displayed in particular places, such as the defence of Saragossa, and Gerona, of which it was impossible to speak in too extravagant terms. But that battle was now over; and though we might find resources to continue to send out men to Spain, and we may succeed in protracting the struggle, yet it was not any assistance of ours which could, in his opinion, prevent the final subjugation of the peninsula.

It had been represented, and was admitted, that the Portuguese troops had greatly improved in discipline and efficiency, but their steadiness was yet to be tried: and even supposing them equal to British troops, what chance would that give of any progress in Spain? Was any man so absurd as to imagine, that if the French were once completely masters of Spain, the force now in Portugal would be sufficient to maintain possession of thet country against the whole concentrated power of France? He trusted they should not soon again hear of a British army advancing into Spain. It was scarcely to have been supposed, that such an event would have so soon occurred, after the fatal experience of sir John Moore's campaign. The experiment, however, had again been tried; lord Wellington not only advanced into Spain, but staid there, until the want of all supplies obliged him to withdraw; it was to be hoped, therefore, that no British army would again be sent into Spain, until a physical security of the necessary supplies should be obtained.

As things now stood Spain was completely closed against us. So far from looking to any progress of the British arms in Spain, the whole nation, as well without, as within that House, was expecting momentarily the intelligence of that victory, which he was confident would be glorious, though he feared it would be barren, and which would be the result of any attack upon the British army on the Portuguese frontier. Were they not apprised that Massena had arrived at Salamanca, and taken the command of the French army? Was it not known, that he was concentrating his force to make an attack upon lord Wellington; and was it not likely, that lord Wellington would consequently be committed with the allied army against superior numbers? Whatever might be the case he had no doubt of victory attending the British arms, but he was no less sure, that such triumph would be fruitless, and that the British army would be compelled to embark in the course of a very short space of time after the achievement. What must be done at last, he thought ought to be done in time: the sooner, therefore, the British army should be withdrawn, the more it would be for our benefit. Operations in Spain were quite out of the question. It was not upon the arena of Portugal that we could fight for Europe: and if we should be mad enough to attempt it, the final reduction of Portugal would necessarily follow the subjugation of Spain. What obstacle was there, in fact, to the conquest of Spain at present? All that we possessed in Spain was confined to the fortress of Cadiz. Even there we had been at first refused admittance. The right hon. gent. over against him (Mr. Canning) had admitted on a former night that he had wished much to secure that fortress, yet such had been the besotted jealousy of the Supreme Junta, that they denied entrance to the British troops sent out to secure that most important post for them.

Though he had stated strongly his conviction, that the cause of the Spaniards was hopeless, and the ultimate subjugation of the whole peninsula by the French, he feared, was but too certain, he plainly saw, however, that the French had still much to do in Spain; it would be a most uneasy possession; if even they could succeed in the reduction of Cadiz the contest would not be over, nor would their work be complete. But this consideration alone was not sufficient to induce this country to exhaust its resources by prolonging the struggle, when from the experience of the past no future co-operation was to be expected, either from the character of the government, or the moral or physical energies of the people, at a time when France, disengaged from other objects, was at liberty to employ all her vast military resources for her subjugation. With all his heart and soul, therefore, he wished the British army was safe out of Spain and Portugal; for he could never allow, that the protracting the period of their final conquest, for a short time, was of any value when compared with the waste of means and resources, which would be a certain consequence of the undertaking. It should be remembered that lord Wellington had stated, in one of his dispatches, that if the French were to take up a position behind the Ebro, he could not with the whole force of Spain, supported by 40,000 British troops, make any impression upon them.

He had dwelt thus at length on this topic, not only on account of its superior importance, but because it was a subject least understood, in as much as few gentlemen could have had an opportunity of reading the papers. Any one who did must be shocked to the soul at the horrible scenes of cruelty, by way of retaliation, which were acted in that country, to which he feared we might be considered, in some degree, parties. What could justify the terrible act of retaliation for the excesses of the corps of Ney and Soult, of drowning 700 prisoners in cold blood? What could apologize for the cold indifference with which the deed itself is related?

Before he sat down he would wish to ask, what was the policy of his Majesty's government with regard to the government of Spain? He had read with great satisfaction the dispatches on this subject written by the noble marquis, late our ambassador extraordinary to the Supreme Junta, and now at the head of the foreign department. He could scarcely believe that the noble marquis who wrote those able and important dispatches, could have been the author of that notable, but absurd plan, for stealing Ferdinand VII. from France; a plan, which as the papers stated, was frustrated by Ferdinand VII. himself denouncing the emissary to the French government. But suppose the plan had succeeded, and that the baron de Kolli, aided by captain Colbourne with 3 ships under his command, had brought away Ferdinand VII. what would his Majesty's ministers have done with him? What were their views with regard to the present government of Spain? That the present government was not better than the Junta, they had a most convincing proof in the presence in this country of the brave and patriotic duke of Albuquerque, who had been sent from the command of the army with which he saved Cadiz, by a dirty intrigue that would deprive the country of his military services at a moment so critical. He trusted, therefore, that the Chancellor of the Exchequer would afford to the House some explanation of the policy he intended to pursue on the part of this country, with regard to the present or any future government of Spain.

He had thus laid before the House his conscientious opinions upon the various important subjects, internal and foreign, connected with the essential interests of this country. The general result of the whole was, that in Europe, all was lost, every bright prospect had closed. In the other hemisphere, however, if wise measures were pursued, great scenes would rapidly be developed. South America presented a spacious field. His Majesty's ministers should devote their most serious attention to that country, because upon the policy they should adopt with regard to the South American colonies and the United States, would, in a great measure, depend, whether this should remain a great nation after the total loss of Europe. To think of the conquest of Spanish America, would be downright madness: to assist her people in the establishment of their independence, in the event of the subjugation of the mother country, would not only confer a substantial benefit on them, but open new and unexplored sources of prosperity for Great Britain, nearly sufficient, perhaps, to counterbalance any advantages she may lose by the vast preponderance of France in the old world. But, as the navy had already been most amply provided for, and a naval force alone would be applicable to any service in South America, no part of the vote of credit would be wanted for that purpose. Considering, therefore, that there was nothing in our internal situation—nothing in our foreign relation—existing, or probable, that could render so large a vote of credit necessary, he should for all the reasons he had urged, dissent from the third reading of the bill, although he should not put the House to the trouble of a division upon the question.

The Chancellor of the Exchequer and Mr. Canning rose at the same time. The Chancellor of the Exchequer gave way.

Mr. *Canning* then spoke to the following effect: I should hesitate, Sir, to avail myself of the courtesy of my right hon. friend, especially as there are some topics in the speech of the hon. gent. (Mr. Whitbread) to which a person in my right hon. friend's situation, as one of his Majesty's ministers, can alone be competent to afford a satisfactory answer; were it not that the hon. gent. has done me the honour to address himself, in many parts of his speech, personally to me, and in a manner which naturally makes me anxious to reply to him. I trust, therefore, that I shall meet the indulgence of the House, while I state distinctly, but as shortly as I can, the reasons which induce me to give my most cordial assent to the measure which the hon gent. opposes.

As to the grounds which the hon. gent. has laid for this opposition in the character which he ascribes to the present administration, and the distrust which he professes to feel in them, it is not my intention to follow the hon. gent. through that part of his speech. I leave these topics to those who may hereafter take part in the debate. It is sufficient for me to say, that whatever might be my general opinion of any administration, yet, if they continued in office at the end of a session of Parliament, I know nothing that would justify me in leaving them during the recess, unarmed with the means usually placed at the disposal of all administrations, to provide for unforeseen contingencies, and to take advantage of any fortunate, though unexpected change, in the situation of Europe.

A government does exist, to which his Majesty has entrusted the administration of public affairs, and from which the confidence of Parliament has not been withdrawn. If the determination of the hon. gent. be to withhold from this government, such means as have never been hitherto refused to any other, far from approving of the candour which he has shown in putting off his opposition to the last stage of the bill now under discussion, I should have thought that he had acted more consistently with that determination on his part, if he had made some distinct motion for placing the administration of affairs in other hands. To tie up the hands of those, who are still left in the conduct of the government, appears to me to be neither a wise mode of marking distrust, nor a happy expedient for remedying imbecility.

If, then, the present government be entitled to the usual confidence given to every administration, by a vote of credit at the close of a session; there remains only the question as to the amount of that vote:—a question of degree, which would equally apply to any government, even to one in which the hon. gent. could place the most unlimited confidence. That a vote to some amount ought to be granted, is a proposition, which, I apprehend, will not be denied, if the functions of the government are to be discharged at all, and the affairs of the nation to be at all administered But the amount of such a vote is undoubtedly matter fit for discussion; and is to be decided by the view which the House may take of actual and probable circumstances in the situation of the country,

The view which the hon. gent. would induce the House to take of those circumstances is such as would justify, in his mind, the withholding of any vote of credit: or at least of the vote proposed; though he has not stated exactly in what degree he would desire that vote to be diminished. He foresees no use, at least no advantageous use, that can be made of it. To whatever point he directs his view all prospect of good seems closed upon him; he looks for nothing from continued exertion but renewed disappointment, and ultimate despair.

The hon gent. I perceive (and not without some degree of surprise) has not concluded his speech this night in the same manner as his former annual exhibitions at the close of the session, by a declaration of the necessity of peace, and an avowal of his conviction that the attainment of peace is practicable. If to terminate a contest, into which this country has been forced, and in which it is compelled to continue by the violence and injustice of the enemy, the hon gent. could have contended, that a safe and honourable peace might be obtained, and had recommended the immediate opening of negociations for the purpose of obtaining it; however, I might be disposed to disagree with the hon. gent. in that opinion, I should yet be compelled to admit that he had laid some parliamentary ground for the course which he is taking. He might argue, that, if a secure and honourable peace, the only legitimate end of all war, could be procured, this House ought not to grant to the government the means of meeting the contingencies of unnecessarily protracted warfare. But as the hon. gent. appears to have abandoned the opinion which he entertained respecting peace; ("I have not abandoned it," said Mr. Whitbread across the table, "I omitted to state it") well then, the hon. member has not abandoned his opinion, but he has omitted to state it; if the omission was voluntary, that hon. gent.'s sentiments have clearly undergone a considerable change; if inadvertent, it at least shews, that he does not feel quite so confidently upon the subject as heretofore: for no man forgets the main article of his creed while his faith continues unshaken. In either case therefore it is obvious, that according to the hon. gent's own present views we are to look to, and ought to provide for, a state of indefinite, not to say interminable, war.

The observations made by the hon. gent. respecting the rapid and unexpected changes which have of late years taken place in Europe, appear to me to suggest a reply to much of his general reasoning; because the more frequent these sudden changes, the greater is the chance that some one may be favourable; and the more necessary is it for this House to furnish to the government the means of taking advantage of such a change. Let the hon. gent. retrace the awful and extraordinary events of the last year, and then say, whether it appears even to him prudent to shut our eyes to the variations of the still shifting scene; and wantonly to put it out of our power to profit of any possible opening, not to say of any probable contingency, in our favour? The hon. gent. admits that he felt sanguinely in the cause of Spain at the outset: but had he anticipated that glorious struggle? did he foresee or foretell that sudden ebullition of the heroic spirit of Spain, that simultaneous and universal effort against the formidable French force which at the time occupied every advantageous position in that country? The hon. gent. augured unfavourably, and expected little, from the result of the war in which Austria embarked last year: He told us so (to do him justice) at the moment when that war broke out. But while he indulged these forebodings had he any notion that, within the space of one month from the date of his prophecy, such a turn of affairs would have arrived, as not only arrested the victorious career of the enemy, but rendered the issue of the campaign doubtful, and, by poising equally for one critical month the chances of the war, opened to the nations of Europe a cheering, though, alas! a short lived, prospect of deliverance? Were either of these chances foreseen? Was either of them not worth seizing as it arose? Argue then from the past to the future, and let the hon. gent. say whether in the unsettled and anomalous situation of the continent, it is not now equally impossible to foresee what events may burst upon us, in the course of a few months, with as little previous notice as those to which I have referred?

But although events are not exhausted, the hon. gent.'s hopes are so. Is parliament then not to make provision for any possible case but such a one as may have in it demonstrable certainty of success? Or is there in the present state of the Spanish cause, to which the hon. gent.'s expressions of despondency particularly apply, such utter hopelessness, such irrecoverable exhaustion and decay, that nothing can henceforth be rationally attempted on its behalf; and that on that ground alone, therefore, to prevent a wasteful application of the resources of this country, to an absurd and unattainable object, government ought to be left without any discretionary power of applying them?

If the hon. gent. is resolved to despair of Spain, I cannot hinder him. But I think I can prove to him that he has no right to despair, on the same principles, on which he has despaired so often, during the last fourteen years (and so often, I am grieved to add, has been justified by the event) respecting the other states of Europe.

What has been the nature of those former contests? and what the character of the states which have been successively subdued by France? What that of France as compared with them? I speak, Sir, of the earlier stages of the French revolution, and refer to the language then held by the hon. gent. and his friends. France was then a nascent republic—the neighbouring nations were governed by old and feeble despotisms; military despotisms, it is true—but feeble from the inherent vices of their constitution. In France a liberal and enlightened philosophy had brought forth a spirit of revolutionary freedom; had reared this new and formidable birth to a sudden maturity of strength and vigour—had

> —"Torn from his tender limbs the bands away
> And bade the infant giant run and play"—

He did so—and the effete and tottering monarchies of the continent, military despotisms though they were, fell before the first touch of this regenerating conqueror.

But now the spirit, at least, if not the strength, has changed sides. France, as if, according to the doctrines of barbarian superstition the soul of the slain had transmigrated into the slayer, France is herself become a military despotism.—She is opposed in that character to the new born independence of Spain; and, if victory had been faithful to the precepts of the hon. gent. and his friends, victory ought no longer to declare in favour of arms which are no longer wielded in the cause of freedom, but in that of tyranny and oppression.

Victory, indeed, the Spaniards have not to boast. The military power of France has unfortunately outlived the causes which produced it, and in spite of theory flourishes not only unsupported by freedom, but opposed to it. But yet the theory is not wholly shamed. And, if France has not at once lost her good fortune because she is enslaved, there is yet sufficient distinction between the degrees of resistance opposed to her by Spain and that of any other country, to justify the generous belief, that a truly national spirit is not to be subdued.

In other instances, when once the French armies had overcome the regular and disciplined armies of the continent, the conquered power fell without further effort, and submitted to the will of the conqueror. But is that the case in Spain? Has the enemy, with all his military superiority, and with all the advantage of having taken the Spaniards unprepared—of having occupied in peace the strong holds, which he afterwards turned to the purposes of war— has he yet succeeded in establishing his will as the law of Spain? Whatever faults the hon. gent. may find with the Spaniards, I am sure he cannot accuse them of tame submission, or of a want of persevering exertions in the glorious contest, into which they have been driven and betrayed. We have seen their armies beaten down, their towns taken and razed; yet have not those calamities broken their spirits. From the ashes of their slaughtered countrymen, and from the smoaking ruins of their cities and their hamlets, has burst forth a renovated flame, kindling anew that ardour and enthusiasm, which misfortune may for a time smother and overwhelm, but has no power to extinguish.—A people so animated and so resolute may be exterminated, but they cannot be subdued; from each disaster that befalls them they derive new energies as they do fresh motives of resistance. Immediate and decisive success was not to be expected in such a contest; but surely to have so long protracted the struggle against such an enemy, and under all the disadvantages, under which they were forced into it, affords indisputable proof of qualifications in the Spaniards, which demand our admiration and esteem; of a patriotism, a steadiness, a zeal, a perseverance, of which no people in Europe had hitherto afforded an example.

The more I contemplate the circumstances of Spain, the more pleasure I derive from the consideration, that the hon. gent. himself, with all the doubts and apprehensions which he professes to entertain, has not thought it wise to recommend any step to be taken with a view to peace. He feels, no doubt, that whilst there remains a chance of rescuing that country from the unjust and tyrannical usurpation of France, it would be as little politic as generous to withdraw our assistance from the peninsula. We cannot do so, unless we be prepared to leave the peninsula to to be occupied by France; and all its means, opportunities, and resources to be immediately employed against ourselves.

It is not now a question, whether Spain and Portugal shall be suffered to return to a state of neutrality, upon our consenting on one part, and France on the other, to retire from the peninsula as from a field of battle; it is not now to be decided whether Cadiz shall send forth her peaceful fleets of commerce, to pass, unmolested by either belligerent, over the surface of the ocean, and to waft the products of the remote dependencies of Spain, indiscriminately to both; the only question is whether, by abandoning the footing which we possess in the peninsula, we shall leave France at liberty to occupy the ground which we abandon, to occupy the ports and arsenals, to seize the naval resources of Spain and Portugal, and to fit out in harbours now in our possession, or under our protection, hostile fleets destined (though destined, I trust, in vain) for the object most dear to the heart, and always uppermost in the thoughts of Buonaparté, the invasion and destruction of Great Britain.

We are engaged in the struggle, therefore, inevitably; and have no alternative, but to maintain it with vigour, or, declining it, to be prepared to pay, in our own perils, and in exertions for self-defence, the price of our own pusillanimity and baseness. Is this the situation of things, in which the hon. gent. would recommend to us to pause on our policy—to cease our efforts on behalf of our allies, and to acquiesce in the injustice and usurpation of the enemy?

But again I ask, what are the grounds of the hon. gent.'s despondency?—There has been, (says the hon. gent.) no order, no plan, no combination in the military efforts of Spain: and is this wonderful? The population of universal Spain, roused by a sense of insult and injury, and actuated by the powerful and heroic determination to preserve their existence as a people, rose against their invaders in different and distant parts of the country, rose at once, but without previous concert or combination. Who could expect to find in that unparalleled national explosion, at a time too when the French troops were in possession of all the strong places of the kingdom, all the order, all the arrangement, all that efficient organization of means, and all that wise and judicious application of them, which are to be traced in the operations of governments of regular constitution, and established authority, representing and uniting the general will, and capable of directing the general resources of a country? But these advantages of regular governments, we know, have been frequently more than counterbalanced by their inherent disadvantages in the tremendous conflicts which of late years they have had to sustain. And Spain, with the disadvantages which belong to her, has some counterbalancing advantages. If the old governments have fallen an easy prey before the energies of regenerated France, let it be recollected, as I have already had occasion to observe, that the principle from which these energies were supposed to spring, no longer exists; that the spirit of liberty in France has been extinguished, that its republican throes and convulsions have quietly subsided into a military despotism, while, on the other hand, the Spanish nation, rising in vindication of its invaded rights, and for the preservation of its integrity and independence, is animated by every sentiment, and impelled by every motive, which can insure a determined resistance against tyranny, and a steady devotion to the country's cause. And whilst the Spaniards, true to these motives and these sentiments, continue to maintain the struggle, can we doubt that it is the first duty, as well as the clearest interest of this country, to afford them all possible assistance?

I do not mean to deny that, if the object of this war were one of Spanish interest, merely, and if it were a question as to the claims of Spain upon this country for support, there may have been, there undoubtedly has been, cause of dissatisfaction, in the conduct of the Spanish government. The papers upon the table, the correspondence of lord Wellington particularly, shew, that, in respect to the reception of the British army, there is great reason for complaint, that as between Spain and England, Spain has been much in the wrong. But the question now at issue is really of a higher order: it relates indeed in the first instance, to the immediate existence of Spain; but it ultimately and intimately involves the most essential interests of this country?—and the hopes, if hope remain, of subjugated, but yet restless Europe.

Considerations of such magnitude must not give way to the resentments,—even to the just resentments of the moment; to differences, between parties whose object and whose interests are so closely united. True,—we have a good cause against Spain; and could make out a very sufficient ground of quarrel, if this were the time—if we had at this moment the leisure and if we had the inclination to bring her to account. But what is our case against Spain compared with the case of Spain, and with our own case, against France? And to whose advantage would it be, but to that of France, if we were now to separate ourselves from the Spanish cause;—or to waste in complaint against our ally the season of action against the enemy? Our interests demand that we should defend the Peninsula to the last extremity; even if we were released by the conduct of Spain from all other obligation;—even if honour did not bind us not to abandon her, whilst there remains a possibility of defence. Our citadel lies here, it is true, in this impregnable island: but Spain and Portugal are its outworks; and, though I can have no doubt of a glorious triumph if we should ever have to maintain the contest in this country, I cannot consent to be a party to that chivalrous feeling, that would retreat from the outworks and admit the enemy to the gates, in order that we might have the satisfaction of defeating him under the walls of our fortress. Our obvious policy, if policy alone were in question, is to keep the war alive in every quarter where France has an enemy in arms, to prevent her from converting those enemies into conscripts for her armies, to fight our battle with combined, rather than against confederated nations.

This, I say, would be the dictate of policy, even if we were to banish from the maxims of a great, a powerful, and a generous nation those enlarged views of interest, and that just sense of duty, which prescribe to us to resist tyranny even when exercised against others, and to aid the oppressed even though our aid may be unsolicited or unacknowledged.

Let us then continue to aid Spain in spite of her weakness, in spite even of her ingratitude, if she has proved ungrateful; cautious where we have found reason to distrust her, but not eagerly seizing on every pretext, which the conduct of her government might offer for abandoning her to her fate.

But the faults of the Spanish government, it is contended, are attributable to us; to the administration in this country, by whom no measures had been taken to procure for Spain a better form of government. Hence the mismanagement of the internal affairs of Spain; and hence also the spirit of jealousy manifested by the Spaniards towards this country!

For my own part I am desirous to claim my full share of responsibility for all the measures taken by the administration of which I was a member, with respect to Spain, and in relation to its government;—a share, which must be the more ample from my having had the honour to fill that department, within the province of which it fell to advise and execute whatever measures were taken on that subject. One point the hon. gent. will find sufficiently established by the papers laid before parliament, that no pains were spared, even from the earliest period of our intercourse with Spain, to obtain the establishment of a supreme and central government, which should collect into one point the scattered authorities of the several provincial Juntas, and controul, and guide, and give consistency and energy to, the whole. This was made the condition of the continuance of our aid:—it was the express and *sine quâ non* condition of the employment of a British army in Spain.

It is true, we did not go so far as to prescribe the precise form of the government so to be constituted. And I am ready to explain, and to defend the grounds of our forbearance in this particular. But let the hon. gent. look at Mr. Stuart's correspondence—the first British agent sent to Spain. He will find Mr. Stuart constantly insisting upon the establishment of one uniform government, and stating that as the condition of sending a British military force into Spain. At length this point was accomplished.

As to the characters of the persons composing the supreme government, for which the hon. gent. would make me responsible, because I was, as he affirms, the warm panegyrist of the Spanish Junta, I beg leave, in the first place, to ask the hon. gent. by what possible knowledge, by what intuition rather I could be prepared, not only to stipulate for the establishment of a supreme central government, but to dictate the selection of the members who were to compose it! What could I know of them but from the communications of the British agent? And when in dispatches, received previously to the formation of the Junta, the names of distinguished persons in Spain, of Florida Blanca, Saavedra, and Jovellanos, were stated to be in the mouths of every body, as the fittest persons to be intrusted with the conduct of the government; and when I found by the first dispatch transmitted after the establishment of the government, that these persons were actually appointed, not only members of the Junta, but to the leading situations of the executive government, could I possibly have supposed, that they were not, as they had been previously represented to me, the most proper persons in Spain, to whom that high and important trust could have been committed, or that the government, which had the sanction of their approbation, and the advantage of their assistance, was not the best, upon the whole, that could be put together under the very difficult circumstances of the country? The eulogium, therefore, which I am accused by the hon. gent. of having pronounced upon the members of the Supreme Junta, was not, because it could not be, the result of personal knowledge on my part; nor was it so imposed by me upon the House: neither could it by any fair construction render me in any degree responsible for the consistency of their conduct with the tenor of my representations. What I said here, was, in fact, but the echo of the voice of the Spanish nation, conveyed to me through the medium of official reports, and repeated by me to this House and to the world. I conceived it an act of justice to the Junta, and an act of duty to my country, whose interests were so intimately connected with the existence of an efficient government in Spain, to afford every encouragement in my power, to a government professing that character, and represented to me as deserving it?

If the Junta disappointed the hopes which were entertained of it—if it either wanted the energy or the authority, which it was intended to possess—undoubtedly there is much cause for regret; but there is none for blame as to the administration here, unless it can be shewn, that some other form of government in Spain would have been obviously preferable—and also could have been, with equal facility, and at an equally early period, obtained. For let it not be forgotten how precious were the moments of this glorious and unexpected opportunity!—let it not be forgotten that, while on the one hand it was necessary for the ultimate and permanent success of the Spanish cause, that the efforts of the nation should be combined and directed by one presiding authority—it was no less necessary for its immediate safety, that the enemy, once taken by surprise, should not be allowed to recover from the first shock of the insurrection! Had we then time to pick and choose—even if we had had the means of judging, and had conceived a sound and rational preference for one form of provisional government over another? Were the feelings of the country here disposed to give us time? What would my right hon. friend, (Mr. Sheridan) who has so repeatedly renewed his notice of a motion respecting the campaign in Spain, and of whose presence I should have been extremely glad on the present occasion, what would he say to the charge of the hon. gent. that we had too hastily acquiesced in the form of government established by the Spaniards? he, who two years ago, when no deputation had been received in this country, except from the Asturias, one of the smallest of the Spanish provinces, and consisting of a rocky and mountainous tract, though containing a brave, a loyal and independent population, reproached the administration with being too tardy in adopting the Spanish cause,—too timid in hesitating to give it at once every possible assistance and support? I should wish to know whether my right hon. friend, who then reproached us for having paused, before we determined to act, on the solicitation of a single province, would now condemn us for having supported the Spanish people with all the means of this country, after deputations had been received from the north, and from the south, and when we had a certainty of the whole nation having determined to rise as one man against their unprincipled oppressors? Would he, who thought us wanting to the interests of this country and of the world, because we did not send fleets and armies to the port of

Gijon, when that port alone, (for aught we knew) was open to us throughout the whole coasts of the peninsula—who stimulated us to action, when a single principality had taken up arms against the French, and therewith, for aught that we could know, against the rest of Spain also? when, what turned out undoubtedly to be a faithful specimen of a general national effort, might have been for aught that we could know, the insulated and unsupported burst of mere provincial patriotism;—would he, I say, or any rational man have desired that when not Asturias, but all Spain had declared itself—when what might have been a partial, proved to be the universal sentiment of the nation;—When the will of the whole country was expressed beyond the possibility of misapprehension—would any man have thought, that it was then our duty to boggle about the precise shape and denomination of the presiding government, by which the collective will was to be provisionally represented and embodied?

In a crisis of such extraordinary novelty, and such transcendant importance; when interests so mighty were committed to the issue of the struggle; and where that issue, after all that could be done, was necessarily so hazardous and uncertain; it was impossible to take any step, or to offer any counsel, which must not at the time, be felt and acknowledged to be of doubtful and questionable policy; and to which it was not foreseen, that in the event of a disastrous result, that disaster would be, however unjustly, ascribed! But in this difficulty of choice, were we to do nothing? were we to counsel nothing, till the use of counsel and the period of action was past? or were we at some risk, but with a determined purpose, conscious of a just end, though necessarily less confident in our means, to take the course which appeared upon the whole liable to the fewest objections?

Gentlemen talk very glibly now of what might have been, and what ought to have been, our mode of proceeding. Some would have done nothing, the safest opinion of all: but they must have found another ministry to act upon their opinion; and another people, than such a one as the people of England were in June 1808, to countenance and support them in doing so.

Some think, that we ought to have insisted upon the immediate assembling of the Cortes! Some, that we ought not to have acknowledged Ferdinand at all; others again, that we ought not to have stipulated for, (in truth, we did not stipulate, they mean that we ought directly to have discountenanced) the monarchical constitution in Spain. A word upon each of these suggestions.

And first, as to our acknowledgment of Ferdinand 7th, or, as it is sometimes stated, our imposition of him upon the Spanish people. On the one hand, it is said, that by acknowledging Ferdinand 7th as king of Spain, in exclusion of his father, we thereby gave a sanction to the principle and the practice of the revolutionary deposition of sovereigns; whilst on the other hand, we are accused of making the preservation of monarchy in Spain the peremptory condition of our assistance. Nothing, however, could be more unfounded than either and both of these charges. Perhaps, in any other kingdom of Europe, we should have been slow to recognize the accession of the son before the demise of the father. But in Spain, the elevation of the son by the voluntary resignation of the father, is familiar to the people by the recorded transactions of some of the brightest periods of their history. There was therefore no ground for jealousy at such an event, unless there had been good cause for suspicion respecting the means by which it had been accomplished. The resignation of Charles 5th, their greatest monarch, and of Philip 5th, the founder of the Bourbon dynasty in Spain, who subsequently resumed the reins of government on the death of the son, to whom he had transferred them, must be in the recollection of every gentleman who hears me; and with these precedents before us, and whilst there existed no ground whatever for suspicion, the government of this country was bound to consider the resignation of Charles as voluntary, and the accession of Ferdinand as legitimate, according to the usage of the Spanish monarchy. As to the charge of imposing Ferdinand, and in his person monarchy on Spain. Why, Sir, the name of Ferdinand resounded from every corner of the kingdom; it became the watch word of Spanish patriotism; the pledge of popular enthusiasm; the bond and cement of national union; the charm, before which all separate interests, all discordant passions and prejudices faded away. It was no suggestion, no fancy of ours; we found this symbol of Spanish loyalty interwoven with every part of the Spanish cause. It was the burden of every oral, and the stamp and sanction of every written communication, which, in my official character, it was my duty and my happiness to receive from the Spanish agents or ministers. It was not left to our option, whether Spain should be a monarchy under Ferdinand 7th. If we had denied Ferdinand, they would have disclaimed us; if we had stipulated against monarchy we should have been repudiated by Spain.

I say not this as matter of defence; I state the plain truth. Upon this point we have no responsibility, because we had nothing to decide. Upon every principle by which our conduct could be guided, whether drawn from legal precedent, or from the unequivocal demonstrations of national feeling, we could look upon Ferdinand 7th in no other light, than as being at once the lawful monarch of Spain, by the established constitution of the kingdom, and the sovereign of the nation's affections, the king of the people's choice.

But then we should have insisted on the assembling of the Cortes, the ancient, legal, recognised estates of the realm—whereas we acknowledged the weak and incapable authority of the Supreme Junta. First, as I have before argued, what right had we to criticise the form of that institution, or the pretensions of the members? Was it not enough that we were assured of its having the sanction and the confidence of the Spanish nation; and were we not justified thereby in recognizing the Junta as representative of the authority of the legitimate sovereign during the period of his most unfortunate absence and captivity? Let us only look back to a memorable instance in our own history, I mean the glorious revolution of 1688, and judge what would have been the consequence, if the proceedings of that period had been criticised with too scrupulous nicety, or required to have been conducted with all the solemnity and precision of the most minute forms and established precedents? What might have been the consequences of such a scrupulous adherence to established ceremonials, such an appeal to ancient usage, at a period, when the novelty of the circumstances and the urgency of the case called for the adoption of extraordinary measures, if William the 3d had refused to take upon himself the government before the meeting of the convention, because the address to him to do so proceeded from an irregular authority; from a few members of extinct parliaments gathered together, in haste, with the lord mayor, aldermen, and common council of the city of London? if he had declined taking any share in administering the affairs of the kingdom, or affording any assistance to the nation, until a parliament, summoned by regular writs and assembled with all the forms of the constitution, should have ceremoniously invested him with the powers of the executive government. The case of Spain was still more urgent, because at the very moment, when, it is said, we should have waited for all the tardy forms and all the regular process of the old constitution of Spain for the election, and assembly of the Cortes, the French troops were in possession of all the fortresses of the country. At such a moment, it was rather to be considered as miraculous, that the Spaniards should have found in each of the several provinces a spot whereon to plant the standard of resistance, than to be expected, that they should be able to conduct the election of the Cortes with all the requisite solemnities, and with all the deliberation, which would have been necessary to find out what those solemnities were. For let it not be forgotten, that these same Cortes had been long disused, that, when last assembled, they had been assembled in mere form, and to register the edicts of the crown?—that the Cortes of Arragon and Castile have never been brought to act cordially together even if brought together at all, except by compulsory means;—that many of the provinces, foremost in the great struggle against France, had not the privilege of sending representatives to the Cortes;—that Asturias had never sent any, Gallicia seldom if ever—certainly not uniformly, nor of custom and right; and that to the two provinces therefore, which were the earliest in their application to us for assistance, if we had answered, "assemble the Cortes," they might have replied, "with the Cortes we have nothing to do;" that to bring into shape and into action this grand but obsolete machinery would have required deep and laborious research into records and registers;—that perhaps after all a representative might have been produced less satisfactory to the nation at large than that, which sprang from their own concurrent though irregular impulse, but that, at all events, much precious time must have been lost in the process, and that while we were discussing antiquated forms and adjusting contested elections, the enemy would have rallied from his first consternation, and effected the conquest of the country.

That the assembling of the Cortes would be a wise and salutary measure, when it could be effected peaceably and regularly, no doubt was entertained: and accordingly the Junta were advised, and had determined, to make it one of their first acts. But I am not surprised, for one, that it was not earlier effected. I doubt whether a general election could be speedily accomplished here after a long disuse of parliaments, and with an enemy occupying all the country north of Trent. And I cannot but make some allowance for the Spanish government, when I recollect, that at almost every period since the establishment of the Junta, the French have been masters of Arragon and of the greatest part of the countries behind the Ebro.

In truth, the uniform experience of all similar revolutions shews that time only and practice can safely be relied on for modelling and perfecting the form of a government, struck out at a heat, as it were, by the immediate necessity of the occasion. The natural effect of the pressure of the immediate exigency is, in all such cases, it was in this, to unite in one body the two distinct branches of the legislative and executive authority. The equally natural tendency of experience, is to shew the expediency of separating these authorities as soon as proper depositories can be found, or contrived for them. A regent, or a regency, for the one, and the Cortes for the other, formed obviously the natural division of the combined authorities of the Junta. And, even if we had had the right, and the leisure to prescribe the course which should be taken, I doubt whether it would have been wise to insist upon erecting these separate powers in the first instance; whether the Junta, or something like the Junta, was not a necessary stage, preparatory to the more regular distribution of the functions of the government. It is plain that the regency could be claimed by no one, without something like the form of a choice, and something, or somebody to choose it. And it may be doubted, whether, if the Cortes had been called at once, they would have been contented with their own share of authority and power—whether the Cortes assembled in the first instance and exigency would not have been in fact, a Junta under another name. At any rate, these were questions exclusively of domestic cognizance, upon which it was neither our duty, nor our right, to dictate to Spain, if we had even been competent to do so. Much less should we have been justified in withholding our assistance, until this most delicate, difficult, and perplexing question should have been settled to our satisfaction, at a period so critical to the existence of Spain as a nation, that the delay of a moment might have been ruin to the cause.

Such then were the principles, on which the government, of which I was a member, acted; and such are the answers which I offer to the several clashing and contradictory charges of having been too precipitate, and of having been too dilatory; of having exacted too much, and of having exacted too little, from Spain; of having dictated improperly the constitution of the government, and of having suffered the government to constitute itself.

The truth is, that we interfered to the extent, to which we had a right to interfere, and no further, when we insisted that there should be a central government formed, before a British army entered Spain.

Sir; in following the hon. gent. next to his observations on the conduct of the war, I pass over the campaign of sir John Moore, because it has been, heretofore, the subject of ample and detailed discussion; and because the hon. gent. himself has very properly avoided dwelling upon it this night. I come now therefore to the operations of last summer. The hon. gent. has condemned in strong terms the impolicy, the madness as he calls it, of sending another army into Spain, after the dear-bought and fatal experience which we had acquired in the campaign which terminated in the battle of Corunna. But here the hon. gent. assumes what was not the fact, in order to make his unfounded assumption the ground of a charge, to which his Majesty's government is not justly liable. The army of lord Wellington was not sent out to penetrate into Spain; it was sent out to liberate Portugal from the yoke of the French; to provide for the security of that kingdom against any fresh attack; and, so far as could be done consistently with these objects, and so far only, upon any favourable occasion that might be presented, to co-operate with the Spanish generals and armies in the provinces of

Spain, that border on the Portuguese frontier. Would the hon. gent. then have left the British general inactive in Portugal, after having accomplished the first object of his expedition by the expulsion of the enemy from that country? or would he have restricted him from extending the line of his operations with a view to the relief of Spain, when that could be done without abandoning or endangering the other object for which the force under him was immediately destined? Would he blame lord Wellington for availing himself of the latitude given him by his instructions occasionally to lengthen the chain which bound him to the frontiers of Portugal? Would he have prevented him from pursuing that course which brought on the battle, and led to the brilliant victory of Talavera; a victory, which covered the British arms with unfading laurels, and crowned the gallant general and his brave troops with immortal glory? But, says the hon. gent. that victory was barren. Barren undoubtedly it was, if you know no fruits of victory but districts overrun, fortresses taken, extent of territory acquired; yet not barren but fruitful; not unproductive, but as advantageous as brilliant, if you take into account, that it immediately opened the gates of Cadiz, and that it will hereafter open to you the ports of Spanish America. These are advantages, which far outweigh the ordinary military results of a victory. But even were the effects of all our exertions confined to the prolonging the struggle against France in European Spain, so thoroughly am I convinced of the policy of supporting that struggle to the last extremity, that were the question at this moment a new and undecided question, were our armies and our fleets hitherto not engaged, nor our faith pledged in the cause, I should be of opinion, that it would be the duty no less than it would be the interest of this country, even now to begin our efforts in aid of the peninsula, if now for the first time we were called upon to begin them.

It is not, however, only with respect to Spain itself, to the formation and controul of her government, and to the conduct of the war in the peninsula, that we are accused of great and sinful negligences and omissions, but with respect to the Spanish colonies, we are said to have been criminally neglectful. We have been told to night, in the course of a discussion upon another subject, that we should have made it a condition of our alliance with the government of Spain, that the Spaniards should give up the slave trade in their colonies. The hon. gent. (Mr. Brougham) who made that observation, must be aware, that it would have been much easier to declare, than to effectuate, our wishes in such a case. I am as anxious as that hon. gent. for the total extermination of that abominable trade, and with him I am ready to allow that we ought to make every sacrifice to principle, whenever such sacrifice may be likely to advance the principle: but I very much question, whether by such a proposition, prematurely brought forward, we might not have thrown the Spanish colonies into the arms of France, without at all advancing the object of humanity. England and the abolition, on one side, might possibly have had but an unfavourable competition against Buonaparté and unlimited slave trade on the other, in bidding for the affections of the colonies.

Sir, I have noticed this subject incidentally, only to shew, that, in the colonial no less than in the European part of this great political question, the course, which the British government have had to steer, has not been altogether plain sailing—has not been so little embarrassed with difficulties of different kinds, as to entitle gentlemen to turn round upon the King's ministers and make it matter of charge against them, that they have not provided for every interest, and secured the operation of every principle, which they and we may concur in our desire to promote and to maintain. It is true, it is perfectly true, as gentlemen are fond of observing, that Spain is a country of prejudice and of bigotry: bigotry and prejudice, however, not without their use in such a contest as that, in which they are engaged—prejudice, which exalts the spirit of patriotism by the rooted preference for their own manners and institutions—and bigotry, which, if it is akin to intolerance on one side, is allied to perseverance on the other; which, however to be deprecated as an active principle, is of powerful operation in inspiring resistance, and sustaining courage under oppression. I am not sure, that balancing the good and the evil of such qualities, I would strip the Spanish nation of them, in their present circumstances, if I could. But it is enough for my argument that I could not, if I would. And, with this conviction, nothing can be more unreasonable than to make it matter of reproach to the British government, that they have not, at the same time that they were aiding the Spaniards in a struggle for the preservation of the mother country, been able, or attempted, to engage them to revise the whole system of their colonial polity; to adopt reformations and improvements, which, if they had been disposed to adopt them, they might have found it impossible to reconcile to the feelings of the colonies, and equally impossible to enforce against those feelings, at a time when the circumstances of the war must necessarily have loosened the ties of colonial allegiance.

Advice, however, has not been withheld, nor has the Spanish government shewn itself unwilling to listen to the advice which has been offered to them, for extending privileges to the colonies, and uniting them closer with the mother country by community of rights and of interests. To promote this union has been the object of our policy. Some, I know, are of opinion, that we ought rather to have played a separate game with the colonies. The hon. gent. who spoke last, has alluded to the benefits, which might be derived to this country from a connection with Spanish America altogether distinct from Spain. I have only to observe, that in my opinion, if any advantages are to result to us from a connection with the Spanish trans-atlantic colonies, we should rather wait for them as a reversion, as the reward of the success, or the consolation under the reverses of the European struggle, than consider them as a temptation to the premature abandonment of the mother country. With these feelings deeply impressed upon my mind I shall never consent that the hand of Great Britain should be laid, in untimely interference, for the sake of immediate gain upon Spanish America. I shall never be one of those, who, professing the warmest wishes for the success of Spain, would aim the most deadly blow at her existence, by robbing her of those foreign dependencies, now more than ever necessary to enable her to maintain her independence, by prosecuting to a successful issue the mortal contest in which she is engaged. Still less will I consent to starve the Spanish cause for the sake of hastening that consummation of evil, which, if it is not to be averted, may yet be delayed; and of profiting by the rich spoil, which we may gather in Spanish America, after European Spain has fallen. I cannot bring myself to contemplate the fate of Spain, as our inimitable dramatic poet describes one of his most exquisitely drawn characters, Shylock, contemplating the fate of his daughter, who had fled from him with a heap of gold and jewels—while he is lamenting her flight, and his friends undertake to console him with the hope, that after all she may be still alive; he presently undeceives them as to the real cause of his wailing. It is not his daughter, but his treasure that is uppermost in his thoughts. "As for her," says he, "Would she lay "dead at my feet, with the jewels in her "ear; would she were coffined at my "feet, so that my ducats were in her coffin!" So it is that the hon. gent. and others appear to think of Spain; they think of the money that she has cost us; they think of the little return in profit that she has made to us; they look to the advantages, which we may hope to inherit after her struggle is well over; and they are disposed rather to blame the obstinacy of that struggle, and to deplore the length of that agony, which keeps us out of our expected inheritance.

And yet, Sir, surely the coldest heart, the most calculating head, cannot but be warmed and exalted by such a spectacle as Spain affords to the world! There can surely be but one feeling in this House with regard to the character of the Spanish cause: no man can entertain a doubt that a contest of such a description ought to succeed . and, if in spite of all the difficulties, which the Spaniards have had to encounter, (and formidable those difficulties have been) they have contended with unbroken spirit, though with various fortunes, against the gigantic power of France in a manner, and for a period, to shame by the comparison the efforts of almost all the nations of the continent, I must again ask, why are we to despair? I cannot bring myself yet to despair of the ultimate success of Spain, because I would fain believe in the success of any people, that shall act upon the same principle, and persevere with the same courage in so righteous a cause; because I would not despair of ourselves under similar circumstances.

If the enemy should pass those outworks, which the line of policy recommended by the hon. gent. opposite, (Mr. Whitbread) would level: if ever we shall have to contend against that enemy on British ground, I trust that our resistance will be signal, and his defeat certain: but I doubt how far we can expect to exceed the example which is set to us by the Spaniards. In prowess in the field, no doubt we shall, and must exceed them, because that depends upon a variety of circumstances and advantages, which the Spanish nation did not possess; not on valour only but on skill—on discipline in the soldier—on science and experience in the officer—and above all upon an efficient government to organize the establishments, to provide for the accommodation, and to direct the movements of the various masses of individuals, that compose an army. In these particulars unquestionably we shall have greatly the advantage of the Spaniards; but in other qualities not less essentially necessary for maintaining a defensive struggle—in firmness under defeat—in contentment under privations—in patience and long suffering, we may equal, but I doubt, if we can go beyond them.

Let any gentleman, who hears me, ask his own mind, and ask impartially, whether he can answer for the town or city near which he lives, that, if attacked in the same way, it would rival in its defence the heroic perseverance of Saragossa or Gerona? If any man, who confides (as I trust every man does) in the ability of this country to defend itself against any force of the enemy, yet hesitates how far he can answer this question in the affirmative, that man has no right to despair of the eventual triumph of Spain.

The contest is not at an end. The French, it cannot be denied, have gained very considerable advantages, and the Spaniards have on the other hand suffered most severely. But the fortress of Cadiz, containing the principal arsenal and the principal naval means of Spain, and garrisoned in part by British troops, detains before it a large portion of the French army; no impression of a serious nature has been made upon the defences of that important place; every day brings fresh accounts of the unabated enthusiasm displayed by the population of the various provinces; the French troops are harrassed in their movements and straitened in their quarters by the desultory activity of the Spanish peasants; their supplies cut off, and their communications intercepted;—place all these things before your eyes, and then say, if it be at such a time, and under such circumstances, that we are to withdraw ourselves from the support of Spain, and to leave the peninsula to the mercy of its ruthless oppressors?

I have said that there is a British garrison in Cadiz. I admit to the hon. gent. that some jealousy has been manifested by the Spanish government upon this subject. I must however, in this respect, do justice to the Spanish government. It is true, that I thought it my duty to press earnestly for the admittance of a British force into Cadiz, after the failure of the first campaign, and to make that admittance the *sine quâ non* condition of ever again sending British troops into Spain. It is equally true, that the Spanish government would not at that time consent to receive them. But it is no less true, that in such refusal, and in the explanation given of the cause of it, I did not find any just ground for supposing, that it had proceeded from distrust in the British government. A government, depending for its existence, and certainly for its authority, wholly upon public opinion, and aware of the jealousy, (for some jealousy of us did most certainly prevail amongst the people of Spain,) with which the nation might view the introduction, at that critical period, of foreign troops into one of their most important naval stations, might feel itself obliged to decline opening the gates of Cadiz to a British corps, until an adequate and obvious necessity for that measure had arisen. But although the admittance of our troops was in the first instance refused on these grounds, I never had a doubt, but that they would be received whenever the necessity became obvious. The period of necessity has since arrived, and the event has most fully justified my expectation. Cadiz is now occupied by British conjointly with Spanish troops: the pledge of that alliance by which Spain may yet be rescued and saved. Whilst Cadiz is safe, Spain is not lost; and while all is not yet lost, all is ultimately retrievable.

The French army has achieved and may continue to achieve the conquest of province after province; but it has not been, and will not be able to maintain such conquests in a country, where the influence of the conqueror does not extend beyond the limits of his military posts; where his authority is confined within the fortresses which he garrisons, or the cantonments which he occupies; where all that is behind him, and before him, and around him, is sullen discontent and meditated vengeance—unconquerable resistance and inextinguishable hate.

And if the Spaniards have their sufferings to endure, at what price do the French carry on this war? at a price which no former war with the other powers of Europe has ever cost them. The hon. gent. indeed, has lamented, that we should be parties, as he expressed himself, to the system of warfare pursued by the Spaniards, which he describes as transgressing the limits of legitimate hostility. I would intreat the House to contrast that sentiment with what fell from the same hon. gent. in a former debate, when another hon. member detailed to the House the abominable atrocities committed by the French on their approach to the Isle of Leon. On that occasion the hon. gent. affected to discredit the statement of crimes so shocking in the recital, and warmly deprecated the introduction of such horrible details into the discussions in this House, lest their circulation should have the effect of substituting wicked enormities of that description for the more humane spirit of generous warfare! Generous warfare! Good God! the generous warfare begun by Buonaparté against unoffending Spain! the generosity of him,—the outrageous violator of every sacred obligation, the bloody and unfeeling destroyer of the rights of sovereigns, and the independence of nations! Far am I, as far as any man, from justifiing the commission, under any circumstances, of excesses, which deform the character, and brutalize the feelings, of man. But the crime and the shame are in the original perpetrator. There are insults and injuries, which to have endured at the hand of an oppressor, degrades a man in his own esteem, and forces him to recover his level by a signal and terrible revenge. Such are the inflictions, which the French armies have poured out upon the Spaniards. If ever acts of ferocious retaliation might admit of extenuation, it is in such a cause, and upon such provocation as they have received from an enemy unrestrained in his career of ambition and blood by any law human or divine.

Such is, in my opinion, the justification of the Spaniards. Thus they defend and avenge their invaded country—their pillaged and desolated homes—their murdered parents—their violated wives and daughters—and who shall say, that such vengeance is not justified in the eyes of God and man? Who shall pretend that the assailant of unoffending and defenceless innocence is privileged from resistance or retaliation, that the invader has a right to make his inroad when he thinks fit, to commit what excesses he pleases;—but that he is only to be met in the listed field and by regular battalions, that the cottage or the altar are to be defended or avenged only by an enrolled soldiery; that the peaceful population of a country must be passive under every species of outrage and of wrong.

That our army has had any share in committing or countenancing such excesses is not pretended, and would not admit of excuse. Our business with the enemy is in the field. But that I should, therefore, whine over his sufferings and his losses—that I should deny or disguise the satisfaction, which I derive from the consideration that every French soldier, who falls a sacrifice to Spanish vengeance, is one oppressor the less for the rest of the nations of the world,—would be a hypocrisy, which I disdain. Long may the struggle be! And be its course as deathful to the French armies as heretofore! One French army has already been worn down and destroyed in Spain: and I know no precept of humanity that forbids me to exult in the prospect of a similar fate awaiting those, who are now the instruments of tyranny and violence.

War is unavoidably attended with calamities, as well as with glories. Its glories are sullied and darkened by its calamities: its calamities redeemed,—or in part redeemed, by its glories. But if we accustom ourselves to look only at one side of the picture in the case of an enemy and at the other in our own;—at all that is gloomy on one part, and all that is brilliant on the other—if we count for the enemy all that he gains and all that we lose—but for ourselves only our positive gains, without admitting into the account the losses of the enemy: against such a mode of calculating results no spirit can long stand unimpaired;—we go to the field already half subdued; we may intitle ourselves to commendation for the fineness of our sympathies; but we are utterly unfitted for continuing the contest.

I fear, that I may have detained the House to an unpardonable length upon the subject of Spain: though I feel it even now difficult to tear myself from it. I hope however that my excuse for having dwelt upon it so long may be found in the share, which I personally had in the counsels and measures of this government at the commencement of the Spanish struggle, and in the desire, which I naturally feel, that these counsels and measures should be distinctly and fairly understood, but, above all, in my earnest zeal for the success of our allies, and for the continuance of our effective support of a cause involving as much our interest as our glory.

I shall now proceed to follow the hon. gent. briefly into one or two of the other topics, to which he has alluded. As to the statements made by the hon. gent. with respect to Sicily; to the disaffection of its inhabitants; to the probable change in the policy of the Sicilian government and the consequent critical situation of the British army in that island, I shall only assert, as an individual, (having no official knowledge to support my assertion)—that I believe his opinions and his apprehensions to be unfounded. I do not believe that there is any correspondence open between Buonaparté and the queen of Naples. I have not seen the letter to which the hon. gent. refers, but from the description of it, I should doubt if it be genuine.

As to the effect of the Austrian marriage upon the politics of the court of Palermo, I cannot oblige the hon. gent. to forego his conjecture, though I do not agree with him in it. I will only say by the way, that I am glad to miss, in the hon. gent.'s speech of to night, the epithet of "*felix*" which he applied on a former night to this inauspicious alliance. The painter of old, when he drew the picture of the sacrifice of Iphigenia, despairing to express the workings of anguish and shame in the countenance of the father by whom she was sacrificed, hid Agamemnon's face in his robe, so would I have the hon. gent. deal on this occasion with the emperor of Austria, and at least not insult his paternal feelings by ascribing to them the character of "felicity."

But whatever may be the soundness of the hon. gent.'s speculations in respect to the ultimate policy and conduct of the court of Sicily, I am not prepared to recommend the anticipation of treachery: I cannot agree therefore with the hon. gent. to withhold the vote of credit, lest part of it should be expended in defeating the designs of the enemy upon Sicily, and keeping him out of possession of it too long. I am still less prepared (even if that were a cheap expedient) to seize on Sicily for ourselves.

From Sicily—declaring, that in Europe he sees nothing to require or justify so large a vote of credit, the hon. gent. passes to América, and specifically objects to the vote of credit on the ground, that a war with the United States is no longer probable. I hope and trust it is not. The recent proceedings of congress have effected so much of what it was the anxious wish of the government, of which I was a member, to attain, that I trust all our differences with America may be speedily adjusted. In truth I had never much doubt upon my mind, that America, if left to her own policy and to the effect of those discussions, which would take place in her own legislatures, general and provincial, would at no distant period arrive at that point, at which by the late act of Congress she appears to have arrived. No man is more anxious than I am for an amicable accommodation with that power. But I trust, at the same time, that the change in the policy of the United States has not been effected by any improper concessions on our part; a circumstance, which I can fully disclaim, during the period that I remained in office. I should rather hope, that it has been the consequence of a determined adherence to that system, which has been so often declaimed against in this House, but which has proved as clearly beneficial to the commercial interests, as it has been consistent with the political dignity, of this nation.

The hon. gent. has introduced into this part of the discussion a reference to the instructions given to our minister to the United States, (Mr. Erskine) upon which it was not my wish to have touched, if the hon. gent. had not forced me to do so, because I cannot touch upon it without speaking unfavourably of the conduct of a gentleman towards whom I entertain no feeling of hostility whatever. But, as the hon. gent. has thought proper again to advert to the subject, I am compelled, in my own defence again to assert as I have repeatedly before asserted, that Mr. Erskine, in the arrangement, which he concluded with the American government, did violate both the letter and the spirit of the instructions, under which he acted. That he violated the letter of his instructions, is admitted by every body—by the hon. gent. himself. Mr. Erskine was expressly directed to do certain things, which he did not do. But it was not, as the hon. gent. insinuates, a mere formal error—a merely literal mistake. Mr. Erskine violated the spirit of his instructions, because, being authorised to concede certain points to the American government, in consideration only of concessions to be by them reciprocally, and simultaneously made—he did that absolutely, which he was instructed, to do only conditionally, and thereby lowered the tone, and just pretensions of his country. I am still ready, as I ever have been, to go into the full discussion of this question, whenever the hon. gent. may think proper; but unless he should advert to it again I shall now take a final leave of it, and never again revive it.

Sir, I have now only to add, with respect to the bill before the House, that it is not, because I think that a war is to be apprehended with America, or that a question may arise as to the abandonment or seizure of the island of Sicily, that I assent to the vote of credit; but because I wish to enable his Majesty's ministers to aid to the utmost extent, to maintain to the last extremity, the contest in Portugal and Spain, and also to take advantage of any opportunities which may arise, for the annoyance of the enemy, and for which, without a vote of credit, they might be unprovided. For the application of the means, which this vote entrusts to them, the ministers are responsible. And I can assure the hon. gent., that, if he and his friends had now the conduct of the government, for the same purposes, and under the like responsibility, I should not be disposed to withhold from them that degree of confidence (whatever it be) which this vote may be construed to imply.

Mr. *W. Smith* was ready to do justice to the eloquence of the right hon. gent. but could not avoid confessing, that notwithstanding the impression, which such a display of oratory was calculated to make, the papers upon the table, and the dispatches from lord Wellington, afford a conclusive answer to the splendid hopes still held out in the speech of the right hon. gent. All the representation of persons lately arrived from Spain, were more in conformity with the contents of lord Wellington's dispatches, than with the right hon. gent.'s sanguine picture of the prospects of that country. Did, he would ask, any recent accounts encourage the expectations raised by the inspiriting declamation, which the House had just heard? Did not, on the contrary, the latest advices demonstrate that no hopes were to be entertained of co-operation on the part of Spain? With respect to the horrible acts of retaliation, stated to have been committed by the Spaniards, though he was persuaded they had been provoked by the atrocities of the French, yet they were too shocking to be countenanced. If the contest was to be continued in Spain he had no hesitation in stating, that he would rejoice in all the legitimate losses which the French might sustain there in the progress of the war. This feeling, however, was confined to losses suffered by the casualties of open and regular warfare, but, when he heard of drowning 700 French prisoners in cold blood, he could not give way to any other feeling than a sensation of horror and reprobation. As to the war in the peninsula he should only say, that, as Buonaparté had declared he would not negociate till he had subdued Spain, if Spain were to be used by his Majesty's ministers as an instrument of negociation, it might be desirable to carry on the struggle there. With respect to Sicily, he had good information that the people there were not attached to their government, and if a French force were to land in that island, he feared that between the vacillating policy of the government and the decided dissatisfaction of the people, our army would be placed in a very dangerous situation. It was true the command of the Sicilian army had been given to the British general, but, if its sentiments should change with circumstances, the same government which conferred the command of its army on our general, might as readily transfer it to a French general. Whilst he made these observations, however, he would not be understood, to mean that we should take measures upon an anticipation of treachery, but that argument appeared to him to come with a very bad grace from those who had defended the unprincipled attack upon Copenhagen. The policy which he would recommend, was, that every endeavour should be made to conciliate the Sicilian people, to attach them to their government, and render them zealous in co-operating with our army for the effectual defence of their country. Having made these few remarks he should not refuse his assent to the vote of credit.

Mr. *Whitbread*, in explanation, adverted to the general scope of the right hon. gent.'s (Mr. Canning's) speech, which was, in fact, no answer to him, but which seemed to have been prepared rather as a reply to a speech expected from a right hon.

friend of his (Mr. Sheridan) who had announced his intention of bringing forward a motion upon the subject of Spain. That motion, however, was abandoned; but yet the right hon. gent. was resolved that his prepared speech should not be lost, and therefore the House had been entertained by his display of eloquence. With regard to the allusions made by the right hon. gent. to his opinion respecting peace, he could assure the right hon. gent. that he had not abjured, as he seemed to suppose, nor abandoned, but omitted stating any opinion he had ever expressed upon that point.—He still thought, that up to the invasion of Spain, the continuance of the war was solely owing to this country. For the termination of that war he still naturally wished and hoped, and he confessed that his hope of peace was considerably encouraged by the circumstance of the right hon. gent.'s exclusion from the cabinet. As to the misconduct or cruelty ascribed to Buonaparté, he believed that nothing of the kind could exceed that actually committed by lord Wellesley in India. It did not, therefore, become the friends of that noble marquis to be so forward and loud in their complaints against Buonaparté. In concluding, the hon. member took notice of the omission of ministers to advert to the singular attempt to steal Ferdinand the 7th from France, an attempt which these ministers could not deny nor venture to justify.

Sir *H. Montgomery*, perceiving that the hon. gent. having no personal knowledge of the transactions in India must have derived his information relative to the marquis of Wellesley's conduct in India, from other sources, undertook to say, that such information was totally false.

Mr. *Whitbread* asked whether the hon. baronet could deny, or would attempt to vindicate the conduct practised towards the Nabob of Arcot, who was given into the hands of his enemies, and never more heard of, or the invasion of his territory, with all its consequent cruelties.

Sir *H. Montgomery* asserted that, to his knowledge, lord Wellesley was 2400 miles from the spot when the Nabob of Arcot was so surrendered.

Mr. *Whitbread* observed, that such might be the case, but that none of the cruelties which took place in Spain were upon the same principle attributable to Buonaparté. For they were not committed by him but by the army. Probably, indeed, Buonaparté was as little concerned as lord Wellesley in the personal perpetration of any cruelty or injustice, but was that an admissible defence for any government which knew, or ought to know, of the misconduct of its agents?

Mr. *Canning* said a few words in vindication of lord Wellesley and Mr. Frere.—The bill was then read a third time and passed.

HOUSE OF LORDS.

Saturday, June 16.

[EAST INDIA LOAN BILL.] The Earl of *Lauderdale* contended, that the East India company had no right to divide 10½ per cent. which they now did; and therefore he could never sanction this grant of 1,500,000*l.* as a loan, for their assistance. That they were taking such a dividend, contrary to law, he appealed to the 33d Geo. 3. c. 52.; and he would defy any noble lord to stand up and say, he was not warranted in this construction of that act of parliament. If any doubt could possibly be entertained, he would remove it by moving "That the judges be called in, for the purpose of proposing that question."

The Earl of *Liverpool* thought the House would be placed in a very embarrassing predicament, if they should call for the attendance of the judges, without having considered whether they would, or would not propose any question.

Lord *Holland* conceived it was very clear, from what had been stated by his noble friend, that the company, contrary to an act of parliament, were taking such dividends to themselves; if so, it would be highly improper that such expedients as this loan bill should be resorted to, for the purpose of supporting them, to the injury of their creditors.

This motion was put, but negatived, and the bill was read the second time.

[APPROPRIATION BILL.] Upon the second reading of this bill,

The Earl of *Lauderdale* called the attention of their lordships to the many improvident grants in this bill. He should not oppose the measure; but he could not help noticing the sum granted for the purpose of carrying on the Caledonian canal. Already 350,000*l.* had been expended, and 250,000 *l.* more was intended for the same undertaking, yet there was not a sensible man in Scotland who did not perceive it would produce no ultimate good. There were 270,000*l.* granted as secret service money, and yet he could not imagine how the present state of the affairs of the continent required so large a sum, unless it were to raise up such characters as the baron de Kolli. He next adverted to the large grants for Ireland, for the various hospitals, and for agriculture. There was no less a sum than 10,000*l.* granted for proclamations; and for printing and publishing, upwards of 22,000*l.* being a greater sum than what was required for the two Houses of Parliament. It was his decided opinion that a greater saving might be made by attending to the various grants included in this one bill, than by the abolition of all sinecure places in the kingdom; and he thought it more suited to the consideration of a certain committee in the other House of Parliament.

The Earl of *Harrowby* agreed with the noble earl that more saving might be made to the country by an attention to these subjects, than by any diminution of sinecure places. He also concurred with him respecting the amount granted to the Caledonian Canal. At the same time these sums had been, as to other subjects, equally large in former administrations.

After a few words from the Earl of Rosslyn, the bill was then read the second time.

[Drury-Lane Theatre Bill.] The Duke of *Norfolk*, so far from meaning to oppose the bill, thought it founded on the most honourable motives, and framed for the justest purposes; and he heartily wished it success. He still, however, retained his opinion, that if it could be done, consistently with justice and good faith, there ought to be a third theatre in the metropolis. The new theatre, he hoped, would not be of the magnitude of the former one: and if it was only of a size fit for hearing and scenery, the necessity of a third would be increased. He was sorry, therefore, not to see in the present bill any provision for using both the patents possessed by the proprietors.

Lord *Holland* gave notice, he should move the third reading on Monday.

HOUSE OF LORDS.

Monday, June 18.

[African Slave Trade.] Lord *Holland* trusted, that the motion he was about to submit, would meet with their lordships' concurrence. Whatever might originally have been the difference of opinion on the subject of the abolition of the Slave Trade, it must now be the general wish that other countries might be induced to concur in that abolition which had been so happily effected here. He was not disposed at the present moment, to propose any censure upon ministers; his only object was, that a pledge should be given by the House by an Address to the crown, praying, that further steps might be taken, to induce foreign powers to abolish this nefarious traffic. More might have been done by his Majesty's ministers, particularly with respect to Sweden. With reference also to the peninsula of Spain and Portugal, he thought enough had not been done. There were only two provinces of the Spanish dominions, into which, upon the narrowest and most miserable view of a mistaken policy, the importation of slaves could be now of the least consequence, namely, Cuba and Buenos Ayres; to these provinces, according to his view of the subject, the abolition would be highly beneficial, and to the rest it must, so far as any supposed mistaken interest was concerned, be a matter of perfect indifference. He was aware that with respect to Portugal there was greater difficulty, because the trade was carried on from one Portuguese port in Africa to another Portuguese port in the Brazils; and he willingly gave praise to ministers for their proposition for purchasing the Portuguese territory in Africa, which would have placed the subject upon a totally different footing. He thought, however, that some course might be adopted to effect an abolition which was so highly desirable, or at any rate to prevent British capital from being covered by a foreign flag in carrying on this inhuman traffic. It might ultimately come to be a question whether the law of nations, well understood, did not authorize the treating all those persons as pirates who persisted, in defiance of all reason, justice, and humanity, in trading in human flesh; but in the mean time, no practicable inducement ought to be left untried, to bring about, by common consent, a general abolition of this disgraceful traffic. In the treaty which his noble friend (lord Auckland) and himself had negociated with the American ministers, an article had been introduced with reference to this subject. Parliament had not then finally agreed to the abolition, and consequently an article upon the subject could not be introduced with that force and effect, as if the abolition here had actually been sanctioned by the legislature. That treaty, it was known, was not ratified, but the American legislature subsequently passed a law for the abolition of this trade. He was of opinion that an arrangement might be adjusted in a satisfactory manner with America, by which a mutual power of executing the laws of each country might be established, by which all the inhabitants of the United States, who acted in defiance of the laws of their own country in carrying on this trade under a foreign flag should be liable to capture by British ships of war, and all those persons here who carried on the trade in a similar manner, and who were equally traitors to the laws of their country, should be also liable to capture by American vessels. He was extremely anxious that some pledge should be given by the House of its desire for the general abolition of this inhuman traffic, feeling that the government in its applications to foreign powers for this most desirable purpose would have those applications much strengthened by the determination of the people of the United Kingdom being expressed through their legal organs, the two Houses of Parliament, and being convinced that if once all the powers of Europe had agreed upon the abolition of this abominable trade, that no state would afterwards venture again to establish it, as no individual could be found base and degraded enough to propose it. He was the more anxious upon this point, observing how little had been done, and how much there remained to be done, to effect an object of so much importance to humanity and justice. Before he sat down, he wished to do justice to the island of Jamaica, in stating that he believed the planters of that island had in general paid a strict obedience to the act of abolition, and had not attempted to evade it. His lordship concluded by moving an Address to his Majesty, praying that further steps might be taken to induce foreign powers to abolish this trade.

The Earl of *Liverpool* had no objection to the motion; he had always agreed upon the principle of obtaining the consent of other powers to the abolition of this trade, and every effort had been made by ministers to effect this object. With respect to Sweden, which was the only apparently doubtful point, the fact was, that previous to the circumstances which had lately happened, a negociation was on foot for a commercial treaty with that power, and it was thought better to introduce an article relative to the abolition of this trade into the treaty, than to make it the subject of a separate negociation. He agreed with the noble lord with respect to the disposition of the planters of Jamaica to pay a strict obedience to the act of abolition, and that being the case, there could be no difficulty as to the other islands.

The Address was agreed to *nem. dis.*

[Dissenters.] Viscount *Sidmouth* adverted to the intention he had formerly expressed of bringing forward in the course of the session, some motion relative to the mode of granting licences to Dissenting Teachers. He thought it a subject of considerable importance, as under the present mode of executing the acts, if a person presented himself to the justices at the quarter sessions, and took the oath of allegiance, and subscribed the declaration required by law, he was entitled of right to a certificate, which entitled him, whatever might be his age, whatever might be his ignorance, or whatever might be his depravity, to preach and teach any doctrines he pleased, and which entitled him also, whether he did preach or teach or not, to exemption from parochial offices, and from services in the militia. This, his lordship considered as an abuse to which a remedy ought to be applied. He had, however, upon mature consideration, determined to postpone till next sessions, the bringing forward any motion upon the subject. He wished it, at the same time, to be distinctly understood, that he meant nothing hostile to the Dissenters. He considered the toleration act as the palladium of religious liberty, and had not the slightest intention of proposing any infringement of it.

Earl *Stanhope* was conscious of the irregularity of taking up the time of the House in speaking upon notices. But he could not refrain from noticing the manner in which the noble viscount had occupied their time without condescending to explain the nature of the motion he intended to make, and of which he had given so long a notice. The noble viscount had spoke of the age, the character, and the learning which ought to exist in those to whom licences were granted. Upon these several requisites, he should be glad to know how the noble viscount would fix the mode of ascertaining their different propositions? For instance, what *nostrum* would the noble viscount prescribe, by which their lordships should ascertain the quantity of learning necessary in a dissenter before the license was granted.

Viscount *Sidmouth* thought he had sufficiently explained the reasons which had guided his conduct upon the present occasion. But, from the remarks made by the noble earl, he was induced to state more particularly the nature of those measures which he had it in contemplation to propose. The chief object he had in view was to require from the person intending to act under such a license, a certificate from the congregation or sect to whom he belonged, that he was a competent person, in their opinion, to the discharge of the duty of a preacher, and that it was by their recommendation he applied for the licence. If such a guard were placed against the abuses of toleration, it would not only be beneficial to those under the Established Church, but, he had authority to say, it would meet the approbation of the general part of the Dissenters.

Lord *Holland* was sorry irregularly to intrude himself upon the notice of their lordships, when no motion was before them; but he thought the noble viscount would have subjected himself to considerable misunderstanding, had he not more explicitly defined the precise object of his intended motion. With regard to himself, he so much valued the blessings enjoyed under the toleration act, that the allegation or recommendation of any individual would never induce him to alter the provisions. The inconveniences resulting from that act must be of uncommon injury, before he should be satisfied in concurring with such an alteration.

[Poor Clergy.] The House resolved itself into a Committee on the Appropriation bill.

Lord *Holland* objected to the appropriation of 100,000*l.* to Queen Anne's Bounty for the poorer clergy. He thought the present a most unpropitious season for such a grant, at a time when burdens pressed so heavily upon the people. Another objection was, that it was a mere temporary grant, and did not form part of any permanent system for ameliorating the situation of the poorer clergy, nor was he satisfied with the mode in which the money granted for this purpose was applied. He did not mean to cast the slightest reflection upon the governors of Queen Anne's Bounty; on the contrary, he believed that no abuse existed in the management of the funds of that establishment; but he objected to the mode of the application. He thought that the relief of the poorer Clergy might be effected in a manner much less objectionable than adding to the burdens of the people, by means of the higher benefices, either by taxing them in certain proportions, or in some other mode, and that certain benefices, where no duty was attached, might be suspended, and the profits appropriated to a fund for the relief of the poorer Clergy; some regulations might also be made with respect to livings in the gift of the crown.

The Earl of *Harrowby* began by expressing his pleasure at the declaration of the noble lord (Holland), that if the proposal now made had comprehended any plan for the more permanent advantage of the church, he should not oppose it.

Before he proceeded to state the facts of the case, which in his opinion made an irresistible call upon the liberality of Parliament, he would take notice of some of the noble lord's objections. The time, it was said, was unpropitious. Undoubtedly it was so, if we considered only the great extent of our present burthens; but this consideration did not prevent us from supplying every necesssary demand, not even the demands of taste and splendour: neither ought it therefore to deter us from applying the money of the public to the relief of the church, if that relief was proved to be necesary.

The mode of applying relief was also stated to be unsatisfactory. The noble lord had disclaimed all suspicion of abuse.—In truth there was not the least ground for suspicion, as the distribution was made by lot, and the interest of the surplus fund was regularly accounted for, and added from time to time to the amount of the bounty. This surplus arose from the excess of the interest received from money vested in the stocks, beyond the two per cent. paid to each augmented living, till land was purchased. He agreed, however, with the noble lord, that the mode of distribution might be improved. The account upon the table would show the improvements made in the last year. No living had been augmented (except in consequence of benefactions) of which the present value exceeded 60*l.* a year, and by notice in the Gazette, it had been declared, that in cases where the incumbent did not reside, the bounty should accumulate for the benefit of the living, until it had a resident incumbent. The accounts of the population of all parishes, where the income of the clergyman does not exceed

150*l.*, per annum, had since suggested a further improvement, which he trusted would be adopted, viz. that parishes of large population should not only have a priority, but a larger share of the bounty. It was not necessary to apply to Parliament for an alteration in the rules of the governors, the King by his sign manual, had authority to change them.

It was further said that the measure was incomplete; this was undoubtedly true, and no man regretted it more than himself. It had been hoped that some more comprehensive measure might have been submitted to Parliament this session: but it was a subject of great extent, and considerable difficulty, and more information was necessary. He agreed with the noble lord that, before Parliament could be called upon to pledge itself, to the continuance of an annual grant of 100,000*l.* until all things should be raised to 150*l.* or even to 100*l.* per annum, it would be indispensible that some more comprehensive measures should be proposed, in order to secure to the public the fair reward of its munificence, a real and substantial improvement of the ecclesiastical establishment. But this was not necessary to induce it to adopt a temporary measure, which applied to relief of a class of persons, whose claims required only to be stated in order to be admitted, and whose relief was equally indispensable, whether any further measures were adopted or not.

The noble lord had also expressed a doubt, whether the state of the church were not much improved, in point of income, since the time of queen Anne, not only because there were now fewer poor livings, but because the property of the church had increased in value, and had been better collected, It was true that in queen Anne's time there were between 5 and 6,000 livings under 50*l.* per annum, and that now there were not much more than 1,000 under that value, and not above 4,000 under 150*l.* per annum. Such had, however, been the depreciation of money, since that period, that even this statement did not prove decisively any considerable increase, in the real value of those benefices. The improvements alluded to had taken place upon large livings, where the parson had the great tithes; of those which were still under 150*l.* per annum, almost the whole number were either vicarages, capable of little improvement, or perpetual curacies which admitted of none. The main question, however, was not whether the income of the church was better, or worse, than at a former period, but whether it was now such as required assistance.

The noble lord also appeared to differ from him in opinion as to the source from whence this assistance should be derived. He thought that some tax should be imposed upon the higher clergy; but expressed a willingness, if the produce of such tax should be found insufficient, to supply the deficiency out of the general revenue of the state. He also hinted at the suspension, for a time, of the disposal of some of the preferments in the gift of the crown (whether dignities only, or benefices also, was not quite clear), for the purpose of appropriating their incomes to the same object. The first objection to a general tax upon the higher clergy, in which the parochial clergy were included, was this:—About three-fifths of the livings in this country were in lay patronage, and the advowsons were a part of the estates of the proprietors, bought and sold like other estates for a valuable consideration, upon the faith that they were only subject to taxation in common with other estates; there could be no justice in selecting these particular estates to bear exclusively a burthen which, if necessary for the general good, ought to fall equally upon all. The taxing the higher clergy, for the relief of the poorer class, was also an approach towards the principle of levelling. He had always thought that the inequality of preferment was a great advantage, and intimately connected with an episcopal establishment. The extremes might be too distant, and he thought they were so, as they stood at present; not so much because the highest were too high, which he doubted, but because the lowest were too low. The latter evil he trusted we were preparing to remedy; the former, if it were an evil, could not be altered without introducing far greater evils than he was prepared to encounter. Any tax of this description would, *pro tanto*, equalize benefices, and remove, *pro tanto*, the incitement to diligence, and the reward of distinction. If it were confined to livings in the gift of the crown, or of the bishops, in order to avoid the injustice of an attack upon private property, it would be applied to that very class of livings in which its operation would be most injurious. Livings in private patronage were usually disposed of to the friends, relations, or private connections, of the patron. Those in the gift of the crown, and of the bishops formed the chief fund for that inticement, and for those rewards. It was so certainly in theory, and to a considerable degree in practice. The application, therefore, to that class, of any principle tending to equalization, was more to be deprecated, upon these grounds, than its application to any other. As to the suspension, for a time, of the profits of certain dignities, it would really be so unproductive, in point of amount, if confined to a few, and so subversive of a constituent part of our present establishment, if extended to many, that he was not willing to borrow from the Roman Catholic church, even for the relief of the poor, a practice which she has usually adopted for enriching the affluent.

Having noticed the principal points of lord Holland's speech, he proceeded to state the case of the poorer clergy; which he contended appeared, from the information received since last year, to be still stronger than it was then stated. The whole number indeed of livings under 150*l.* a year, which was then calculated at 4,400, appeared, since the returns from St. David's, Norwich, Ely, and Rochester, were come in, not to exceed 4,000. This was satisfactory, as it brought complete relief more within our reach. But it had been generally supposed that the poor livings were chiefly confined to parishes in which the population was inconsiderable, and the duty light; remote villages, where we wished certainly to give the clergyman a better income, because it was not fitting that he should receive less than a day labourer, but where his poverty was out of sight, and did not affect the interests of any considerable portion of the community. If such a supposition had been entertained, the accounts, now upon the table, would prove its error. Of the whole number of livings under 150*l.* per annum there were above 600 which in (1801) had a population of between 500 and 1,000 persons, and near 500 livings, with a population of above 1,000. Of these 79 had between 2 and 3,000—35 between 3 and 4,000—17 between 4 and 5,000—10 between 5 and 6,000—and a considerable number much more; perhaps the strongest instance was in the diocese of Chester. In 15 parishes, of which six were in Liverpool, four in Manchester, three in Whitehaven, two in Oldham, one in Warrington, one in Blackburn, and one in Preston, there was a population of above 208,000 persons. The revenue of the church, in these three parishes, was 1,315*l.* amounting to about 1½d per ann. per soul. In Wolverhampton, Coventry, Sunderland, and Newcastle, there were cases fully as strong. Taking 492 as the number of parishes, of which the population exceeded 1,000, and the income did not exceed 150*l.* per annum (exclusive of Birmingham and Halifax, in which the population of the different parishes was not distinguished), these 492 livings comprehended near 1,200,000 persons, and the aggregate revenue of the church was only 42,046*l.* It appeared, therefore, from the consideration of the population, which had not been under our view last year, that the case was much stronger than it could then be stated; at least, that if the poverty was not greater upon the whole, it was greater in a class, whose labours were most severe, and upon whose labours the care of so large a mass of population depended. In stating the whole income of the church, in these 492 parishes, to amount only to 42,000*l.* their lordships must be aware, that he had far over-stated the actual incomes of those who performed these labours, because half at least of these parishes might be supposed to be held by non-resident incumbents, who would of course leave to their curates only a part of the profits of their livings.

He had stated that the returns as they appeared this year brought complete relief more within our reach. It was calculated last year, that upon the supposition of 4,400 livings under 150*l.* per ann. and of the bounty, old and new, being 111,500*l.* per annum, and laid out so as to produce 5 per cent. it would require about 2,750,000*l.* to raise all livings to 100*l.* per annum, in about 25 years, and 3,877,000*l.* more to raise them all to 150*l.* per annum, in 35 years more. The number of livings under 50*l.* was now, according to the returns, 1,054; between 50 and 100*l.* 1,720; in all under 100*l.* 2,774; between 100*l.* and 150*l.* 1,223; in all under 150*l.* 3,997. The surplus interest, which was not included in that calculation, might perhaps, as the number of augmentations would increase, be safely taken at between 8 and 9,000*l.* per annum. If the whole sum, applied to augment poor livings, were increased, by these means, to 120,000*l.* per annum, it would raise all livings to 100*l.* per annum, in about 21 years, at an expence to the public of 2,100,000*l.* or rather (deducting the payment of last year) of 2,000,000*l.* and in 29 years more, at the expence of 2,900,000*l.* additional, they would all be raised to 150*l.* per annum.

Though this diminution in the expence of the plan was by no means inconsiderable he agreed, however, with the noble lord, that the sum was still so alarming in its amount, that we ought seriously to consider whether any means could be found by which, without the violation of any maxim of justice or equity, or any deviation from the principles and practice of our ancestors, we could accomplish our object, and yet avoid the necessity of so large a demand upon the public purse. There were, he thought, two measures which deserved consideration; one was that mentioned by the noble lord, namely, the consolidation of livings. He was aware, that from the enormous abuse of this practice in Ireland, we might, at first sight, revolt from such a proposal; but these abuses arose from the want of proper checks; and he thought, that with due caution, no evil need be incurred, and considerable benefit might arise, both to the church itself in the better discharge and higher remuneration of its duties, and to the public (in addition to these advantages to the church) by the diminution of the number of livings which require augmentation. The principle was fully recognized in our statute books, and had, in some degree, been acted upon. But the restrictions in the act of Henry 8, and Charles 2, were wholly inapplicable to the present state of things, and render the acts themselves in a manner obsolete. By the first, any two livings might be united, provided the value of one of them did not exceed 6*l.* in the King's books. These had long ceased to afford any criterion of the real value, and this act would therefore allow the union of many livings which ought not to be united, and prohibit that of many which ought. By the second, livings in corporate towns might be united, provided the joint value did not exceed 100*l.* per annum. This approached more nearly to a proper criterion, but the provisions of that act would be found to require, in different respects, both limitation and extension. He should hope that means might be found to investigate this part of the subject through the proper channels, and it would then be open to us to consider under what rules, as to the distance of the churches, their capacity, and the extent and population of contiguous parishes, such unions might be adviseable, and also to form some judgment as to the effect of such a measure upon the number of livings requiring augmentation.

There was also another fund to which he looked, namely, the increase by future possessors, of the salaries allowed to the vicars, and perpetual curates, upon livings where the great tithes were in ecclesiastical hands. He would not now enter into this subject, nor had he the presumption to depend upon any legal opinion he could form; but it was not without much consideration that he had satisfied himself (as at present informed) that a revival of the principle adopted by the crown, soon after the restoration acted upon in obedience to its orders by the higher clergy of that day, and recognized by the legislature, would be attended with great benefit to the church and great relief to the people.

These however must be subjects of future consideration; but if any further argument were wanting, to prove the necessity of supporting the church, it would be found in that increase of dissenting places of worship to which the noble viscount (lord Sidmouth) had lately drawn their attention.

It appeared by the accounts called for by that noble lord, that the whole number of such places licensed during the reign of his present Majesty was 12,160. This number was certainly much below the truth, as the returns for many years and in many of the registers of the bishops, and the books of the clerks of the peace, were stated to be imperfect. On the other hand all these places of worship were not co-existent at the same time, but as some were dropped others sprung up. Did the annual number of licences appear to be stationary? Directly the reverse. In the first fourteen years of this reign they were only 1,255, being on the average about 90 per annum. In the last fourteen years they were 7,257, being on the average 518 per annum.

The number of licensed preachers was equally increased. In the first fourteen years it was 118, about eight per annum. In the last fourteen, 2,886, about 170 per annum. He did not state this for the purpose of giving any opinion as to the suggestions of the noble viscount, for the diminution of this number. His general view of that subject was that dissent was not to be diminished by restrictions; that no law which affected the freedom of religious worship either could, or ought to be effectual; and that the only genuine support which could be given to the church establishment, was to provide it with the means of doing its duty, and to take care that it did it.

Having however stated the increase of dissent, he could not refrain from asking what was the array, which, in its present state, the church could bring forward to meet such a host. Of incumbents, legally resident, in 11,164 parishes, there were according to the bishop's returns in 1807, only 4,412. If you added to these, 152 persons, who lived in their own or their relatives houses, within the parish, and 176 who lived near, and did duty, the number of incumbents legally or virtually resident would amount to 5,040. There were 340 other persons returned as exempt, on account of cathedral or college offices, many of whom might probably be resident part of the year, although they did not fulfil the conditions of legal residence; and the same observation might apply to many other persons under different classes of non-residents. The number of 5,040 was however all that appeared upon the returns; of these resident incumbents, those who possessed incomes under 150*l.* per annum, were 1,214; adding those of this class who might be considered as virtually resident, the number would be 1,494. It was however too large an allowance to include as virtual residents, all those who resided near, and did the duty, for many cases must occur in which the parish saw nothing of its pastor, except when he performed the service of the church once a week, or once a month, in the course of his morning or evening ride. Of the remaining 2,503 parishes, of which the income was not 150*l.* a year, and where the incumbent neither actually nor virtually resided, the income of the officiating clergyman could only be what the incumbent was able to spare out of his own pittance, or rather generally it must be the lowest price at which it was possible to get the labour performed. The power of the bishop to raise the salaries of the curates was rarely exerted, and its effect might be defeated by private agreements between the parties.

This was therefore the state of the church, as it appeared upon the returns, on 11,164 parishes there were 3,556 legally or actually resident incumbents, with incomes of 150*l.* per annum, and 1,494 with incomes below that sum. The remaining 6,124 parishes were left (subject to the preceding observations) chiefly to the charge of curates. That the non-residence of incumbents, existing to so enormous an extent, was a serious evil, he would not stop to argue; the main question was, whether it was an evil which the liberality of parliament, without a revision of the existing laws, respecting of non residence, and pluralities, could alone expect remedy.

Let us examine what proportion of residence existed upon livings above 150*l.* per annum. This would be the fairest ground of conjecturing what the residence would be, if all livings were raised to that amount. Upon 7,167 parishes, of which the income exceeded 150*l.* per annum, there were incumbents actual, and virtual residents, 3,556. Upon 3,997 parishes of which the income did not exceed 150*l.* per ann., the residents were 1,494. If the proportion of residents on the lower class were the same as upon the higher, it ought to be 1,983. This was the utmost limit of the increase of residence, towards which, the augmentation of income alone would be expected ultimately to operate, and its operation was extremely uncertain, even to that limited extent. The general poverty of the church was pleaded as the excuse for the system of non residence. It appeared, however, from the above account, in which more than half of the parishes with incomes above 150*l.* per annum appeared to be occupied by non-residents, that poverty was not the only cause. It was clear also, that if that cause alone was removed, no considerable improvement could be expected. If the poverty of the church were indeed the real and only cause of non-residence, the remedy applied was singular. The proposition was, that the income of the church was not sufficient for the adequate support of its ministers. What was the remedy? An unnecessary increase of the number of those who were to be supported by that inadequate income.

The whole number of non-residents in the classes, after deducting the dilapidated churches and sinecures, would be found to be 5,925. To these ought to be added 632, chiefly non-resident, for miscellaneous reasons, and not included in the classes in the abstract; but, as they did not appear upon the abstract, he would not take them into account; those who were non-resident upon one benefice, on account of residence upon another, were 1,797; those who resided in a house of their own, or of a relation, were 152. Those who resided near and did duty, were 476! the two latter classes probably kept no curates, but did not thereby increase the number of persons to be supported, as it was the same thing in this point of view, whether there were two incumbents, or one incumbent, and one curate to be maintained out of the profits of two benefices. After deducting these three classes from the whole number of 5,925, there would remain 3,500. These 3,500 parishes must either have no curate at all, which he trusted the vigilance of the church never permitted, or they must be served by the incumbent or curate of a neighbouring parish, which was next to not being served at all, or they must be served by a curate of their own, who must be supported by what the incumbent could spare, or thought proper to spare out of his own income. It was impossible to estimate what might be the proportion of parishes in these several predicaments: but the general conclusion was irresistible, that in consequence of non-residence a much larger number of persons were to be supported by the income of the church, than would be required if residence were more general. If non-residence be an evil, and if it be true that it arose from the poverty of the church, it seemed a strange remedy for that evil, to load in so many instances with the burthen of supporting two persons that income which was not sufficient for one.

The existence of the system of pluralities to its present extent was also stated to be necessary, on account of the poverty of the church. If this were true, we should expect to find the greatest number of pluralists amongst the poorer classes of incumbents. How stood the fact? Of persons non-resident upon one benefice on account of residence on another, there were amongst the incumbents of livings above 150*l.* per ann, 1,113; amongst those under 150*l.* per ann. only 684, little more than their fair proportion. It could not indeed be expected to be otherwise; for the incumbent of one large living was much more likely, from his situation and connections, to procure a second, than the incumbent of a smaller one. It seemed clear, therefore, either that pluralities to their present extent were not necessary, as a remedy for the poverty of the church, or that they were not so applied as to afford that remedy.

What was the result of all these facts? A complete conviction in his own mind, which he earnestly wished to impress upon the minds of others, that the poverty of the church was so clearly proved, as to call, in the most urgent manner, for the continued liberality of parliament; that without the continuance of that liberality, it was impossible to provide effectually for its relief, and therein for the best interests of the community; but that pecuniary assistance alone would not be sufficient to place our church establishment in security; that unless prompt and efficacious remedies were applied, we were tending towards that most alarming of all situations, in which the religion of the established church would not be the religion of the majority of the people; and that it was therefore one of the most pressing duties of the legislature, to give this important subject full and deliberate consideration.

Though the evil was pressing the remedy was certainly difficult; he believed, however, that without aspiring to theoretical perfection, applying only a practical cure to a practical disease, adopting no principles but what were recognised in our canons and our statute book; much good might be gradually accomplished, at an expence not more than commensurate with the object, and within a moderate period of time. He said gradually accomplished it, both because the pecuniary relief could only be furnished by degrees, and because he was of opinion, that any new regulations or restrictions ought not to affect the interests of the present possessors.

The noble lord had objected to the motion, because it was not accompanied with any permanent plan for the benefit of the church. The formation and digestion of such a plan must, he hoped, fall into better hands than his own; but he was so anxious to draw to this subject the attention of all those who were better qualified to bring it forward to advantage, that he would not object to throw out for consideration, at the risk of being thought inconsiderate and presumptuous, a few of the ideas which had occurred to him. That risk he was willing to run because it was a risk confined to himself. The erroneous speculations of an individual, however unfit they might prove to be carried into execution, could only affect his own credit and character; any practical measure which might ultimately be adopted, must be the result of the collective wisdom of the legislature.

He would therefore, suggest, in the first place, that after endeavouring to reduce the number of livings, requiring augmentation, by an extension of the practice of consolidation, and by the improvement of vicarages and perpetual curacies, in the hand of ecclesiastical impropriators, the bounty of parliament should be continued, for a certain number of years, in order to raise all livings to 100*l.* per annum, and all livings in parishes of considerable population, to 150*l.* per annum, or more. In the distribution of this bounty, such parishes ought, in his opinion, not only to have a priority, but a larger share, so as to raise them at once, in proportion as they received a lot, to an income approaching to their maximum. The sum required from the public to raise all livings to 100*l.* per annum had been before explained to be two millions, with the assistance of the old bounty, and the surplus interest. This sum might be diminished by the effect of the two measures above suggested. If we were satisfied with raising to 100*l.* per annum, all the livings whose population was under one thousand persons, and confined the further rise to 150*l.* per annum, to all livings of greater population, the further sum required from the public would not exceed 500,000*l.* There were about 492 parishes of this description, of which the average income was 85*l.* per annum: they would be raised to 100*l.* per annum by the preceding operation, and would require therefore a further addition of only 50*l.* per annum to each. This would amount to 492,000*l.* supposing 5 per cent. interest; leaving therefore the 20,000*l.* per annum arising from the old bounty, and the surplus interest, to proceed in the gradual augmentation of all livings: a grant of 100,000*l.* per annum for five years after all livings were raised to 100*l.* per annum would give to all parishes whose population exceeded 1,000, an income of 150*l.* per annum. He was however of opinion that those parishes ought to have a priority, and that the operation of raising income ought to commence with them. If this plan were adopted, each of those livings would require, upon an average, an augmentation of 65*l.* per annum, and the capital necessary to produce it would be about 640,000*l.*

His next object would be to revise the act for the protection of non-residence. The particular alterations which it might be proper to propose in it, he was not ready to state. They would, he hoped, be the subject of the deliberate consideration of those who were practically conversant in the execution of it. Thus much, however, he must be allowed to say, as an argument for the revision of that act, that if the object of it were what was announced in its title, namely, the encouragement of residence, that object had been very imperfectly retained; for, after it had been in force for 7 years, only 4412 persons, legally resident, according to the terms of that act, were to be found in 11,164 parishes.

He would then proceed to a revision of the acts of Henry VIII. respecting pluralities. The law upon that subject was not only absurd, as it now stood, but inapplicable to the present times. The liberty of holding pluralities, was, generally speaking, limited by a reference to distance and value. In some cases there was no limitation at all as to either: but where the limitation existed, what was it? As to distance, it was 30 computed miles, extended to at least 45 measured miles: such a limitation could not answer its object, if that object were to secure (as might be inferred from the canons, and from the terms of the dispensation) some degree of personal inspection, and even of temporary residence, and partial discharge of duty, by the non-resident incumbent. As to value, it was 8*l.* in the King's books. This valuation had long been totally obsolete. Under the head of livings under 8*l.* might be found some of the largest as well as of the smallest, livings of the kingdom. There were also various contrivances, as to the order in which a clergyman was presented to his different livings, by which more than two might be held, and consequently the necessity for so many more curates be created. Either no limitation should exist at all, with respect to distance, or that limitation should have some rational object, and should be such as to give some chance of attaining it. Either all restriction as to value, should be abolished, or it should be a restriction which took for its guide the real, and not the imaginary value. He felt great difficulty in making up his mind upon this part of the subject, but he was inclined to think that a limitation of the distance to 10 measured miles, from church to church, would be the simplest measure for the reduction of the number of pluralities. He only threw out the idea, and would reserve for a future opportunity and further consideration, the discussion of the arguments for it and against it, and the extent of the consequences which might result from its adoption.

He thought also, that some further regulations were necessary respecting the salaries of curates; that no curate ought to be permitted to act on a living where the incumbent was non-resident (except in the case of the infirmity of the incumbent) without a license from the bishop, specifying the salary he was to receive; and that, in livings below a certain value, the salary should be the whole income of the living. The present practice, according to which the non-resident incumbents, of livings of 50*l.* 60*l.* or 70*l.* a year, put into their own pockets a portion of this wretched pittance, and left much less than the wages of a day-labourer for the subsistence of their curates, appeared to him far from creditable to the parties concerned, and calculated to degrade the character of the church. Many instances came within his own knowledge, in which parishes were served for 20*l.* or even for 10*l.* per annum, and in which, of course, all they knew of their clergyman was the sound of his voice in the reading desk, or pulpit, once a week, a fortnight, or a month. This must also be the case where curates are permitted to serve more than two churches. An abuse which he thought required to be prevented.

He was aware, that after all these suggestions (or the suggestions of others better calculated to answer their object) had been adopted by the legislature, much would still remain to be done. In many places, particularly in those which the increase of commercial and manufacturing wealth, had, of late years, raised from villages to towns, there was a great want of places of worship. There was no want, he believed, of religious disposition: for, in these places, chapels of every species of dissenting worship, were rising year after year by subscription. In the present state of the law, or at least according to the present mode of executing it, there was great difficulty in obtaining permission to erect an additional place of worship, according to the church of England, within the limits of an existing parish. The inhabitants, therefore, had no choice. They might prefer the church of England, but that church shut her doors against them; they had therefore no option, but either to neglect divine worship entirely, or to attend it in a form which they did not so well approve. He was rejoiced for one, that many should adopt the latter alternative. The consequence, however, was inevitable; their attendance upon a place of dissenting worship, gradually led to a complete separation from the established church. This was an evil daily increasing, and which required a speedy and effectual remedy. He understood that an account had been moved for, in another place, of the number and capacity of all the churches and chapels, in places where the population exceeded 1,000 persons. This would shew the extent of the evil. With respect to the remedy, he thought that in general the increased wealth and prosperity of the places in which this want was chiefly felt (an increase which had produced the population which occasioned the want), ought to supply the means of removing it, and that little more would be necessary than to devise the means of obviating those difficulties, by which the wishes of the inhabitants, to obtain additional places of worship, according to the church of England, had so often been defeated. It would also be necessary to provide, that no such place of worship should be erected, without setting aside a certain space for the accommodation of the poorer classes. Where particular circumstances rendered the erection of new churches too heavy a burden upon the local funds, the precedent established by Parliament, in the time of queen Anne, might with great propriety be followed.

It was not sufficient, however, to provide churches, unless adequate dwelling-houses were also provided, for those who were to serve them. The non-residents on this account were 946: and adding those who resided within the parish, but not within the parsonage house, 1,098. For this purpose he wished to increase the powers now vested in the bishops, and not to leave the exercise of those powers to their discretion. Where a parsonage house was out of repair, he understood that the bishop had now the power to sequester the profits of the living, until it was repaired. He should be desirous, that in every case where the incumbent had been non-resident on account of the want or insufficiency of the parsonage house, the living should upon his avoidance be immediately, and of course, sequestered;

that this sequestration should continue for a certain number of years, and until the bishop should be satisfied that a sufficient house was built or repaired; that in the interval the discharge of the duties should be provided for by the allowance of such a salary as was usually given to the curate of a living of such value. That the surplus profits should be applied to the erection or repair of the parsonage house. If that surplus, applied for a certain number of years, was sufficient for the purpose, the business was done without any burden upon the public. If it was insufficient, the public might grant a sum, within certain limits, to supply the deficiency. The principle of this plan was to be found in Gilbert's act, and in other acts passed for the same purpose, but of which the operation was confined to Ireland. He thought it desirable that the sums required for this purpose, within certain limits, should be advanced by Parliament, as he understood there was very great difficulty in borrowing money, even to the extent of two years income, as authorised by the existing laws, and as repayment would be made by instalments, amounting to the whole sum, where the living could bear it, and to a part, where it could not, the expence to the public would be inconsiderable in itself, and trifling indeed, when compared with the essential importance of the object to be attained.

There were many other points upon which improvements might be suggested, and many details which were wanting to give adequate explanation, even upon the few points he had touched. It was impossible, however, for him now to enter into those details or to explain all his reasons for thinking that what he had suggested would be practicable and advantageous; and, that, upon those points, it would be neither practicable nor advantageous to do more, particularly as to pluralities, and non-residence, which, in his opinion, required not abolition, but regulation. He had detained the House far too long already; and, as his object was at present, not to propose a plan for the adoption of their lordships, but to throw out hints, which might be improved by others, into a plan fit to be adopted, he would intrude no longer upon their indulgence. He was aware that he might be thought by many to have gone too far, and by others not to have gone far enough; no man could be more decidedly adverse than himself to all plans of speculative reform, which proposed to disturb, upon theoretical principles, any part of those ancient establishments, in church or state, which were found in practice to answer, in a sufficient degree, the purposes for which they existed. But where practical evils existed to a great extent, to an extent which, in his opinion, endangered the safety of those establishments; where practical remedies could be applied, grounded in every instance upon existing law, and making only such alterations as were suggested by the change of circumstances, and by the actual experience both of the increase of those evils, and of the insufficiency of the existing remedies, it was not the fear of being called a reformer which should deter him from delivering his opinion. He was indeed deterred by the sense that his knowledge of the subject was extremely imperfect, and his best abilities unequal to the task: but if the information which, in consequence of his suggestions, was now before their lordships, and the observations he had taken the liberty of making upon it, could, in any degree, attract their attention (and particularly the attention of those whose character and situation gave their opinions a right to peculiar authority), he flattered himself, that even in the humble character of a pioneer, he should be instrumental in opening the road to improvements, highly conducive to the welfare and security of his country.

Earl *Stanhope* said, that, however he might in general differ from the noble earl, he had always listened to him with a certain degree of satisfaction, because that noble earl always appeared, as contradistinguished to many of his colleagues, to speak really what he meant. There was about him no affected obscurity, no inclination to evade the discussion of a question, and to confine himself to the object of misleading their lordships. In his present speech there was much to approve, and he had only to observe, that if from his lips similar observations had fallen, he would be charged as the libeller of the church, as the enemy to our religious interests, and the plague knew what. For what said the noble earl in defence of the present grant? The church of England is poor, said he, and it will be impossible that it can hold up against its numerous foes unless it is supported in all its strength and dignity. To many parts of that observation he had strong objections. A noble viscount (lord Melville) had said that the kirk of Scotland was founded on the rock of poverty, did he mean to say that the church of England was founded on the rock of wealth? Did he (lord Harrowby) mean to say, that the only way to support your religious establishment was by voting to it the public money! Did he mean to tell those who differed from it, that the strength and security of the Protestant religion lay in its accumulation of riches? If such was his opinion, he feared he would increase instead of diminishing the number of persons who dissented from it, and whom the noble earl, perhaps rather warmly, had designated as the foes to the church of England. Could it be tolerated, that because men differed in certain points of discipline, that therefore they were foes to the church. It was unjust to make such aspersions—but it was consistent with the cry of No Popery. But he would tell the noble earl, that those Dissenters—those foes to the church, as he styled them, would continue to increase even from the number as taken from their 12,000 chapels, when they found that the advocates of the church establishment conceived that its best means of security was to be continually applying for public money. He would venture to predict that, whether you voted six millions or sixty millions, whether you built churches or no churches, whether you calumniated Dissenters or otherwise, the number of communicants of the establishment would decrease, and that of Dissenters increase, as long as they saw the church of England made the engine of state policy, as long as they saw its prelates translated and preferred, not for their religious merits, but their slavish support to the minister of the day. For he would ask the noble earl fairly to answer, if he knew of no preferments in the higher ranks of the clergy conferred upon such pretensions? When he saw the bishops, according to the injunctions of their religion voting against wars, when he saw them voting for the liberties of the people, then he would pronounce that the church of England had no reason to fear. But, it was always the case for an establishment to decline, when the clergy drew their emoluments by compulsory means. The people had no interest in their support, although they had no objection to subscribe, and that liberally, for those religious instructors that were not so provided. There was a law in America, he much admired, it was a wise law and a curious one. If any man gave a bond to a priest, promising money for the discharge of his religious functions, it was declared void in a court of justice. The shrewd American argued thus: What are priests for? why, to make men honest. Then why did not the priest perform his duty towards the granter of the bond? If he had made the man honest, there would have been no occasion to apply to a court of justice. The condition of the bond was the very purpose of making the man honest, and if he did not perform that duty, the priest had completely failed in his promise, and therefore the bond was void. This is, my lords, most excellent logic.

Lord *Holland* made a very animated reply, in which he maintained, that the increase of salary to the church establishment was no security of the increase of their followers; but rather of the reverse, that they would be less disposed to discharge the duty of their functions.

Viscount *Sidmouth* observed, that in the new church structures, there ought to be a certain portion of the building allotted to the poor people, without any expence.

The Earl of *Harrowby* spoke in explanation.

The Earl of *Liverpool* said a few words in favour of the grant.

The Bill then passed through a Committee, and was reported without any amendment.

HOUSE OF LORDS,

Tuesday, June 19.

[Places of Worship.] Viscount *Sidmouth* observed upon the great and increasing evil which arose from the want of a sufficient number of Places of Worship of the established church, and the want of means of accommodation for communicants of that church in populous parishes, in consequence of which many persons of the establishment were induced to attend Dissenting meeting houses, rather than not attend any place of worship.—The increase of meeting houses beyond that of places of worship of the established church, might be attributed to several causes. The former were erected for a less sum, and in addition, difficulties frequently occurred respecting the latter, relative to the right of presentation. A facility also arose in the former case from the Dissenting ministers having other occupations and therefore being satisfied with less for their services at the meeting houses than could support a clergyman of the established church. It was therefore a subject deserving of serious consideration, and in order that the House might have information before them relative to it in the next session, his lordship moved an Address to his Majesty, praying that the archbishops and bishops might be directed to prepare in their respective dioceses, to be laid before the House next session, a statement of the number of Places of Worship of the Established Church in parishes, having a population of 1,000 and upwards, with the number of persons such places of worship are capable of containing: and also the number of Dissenting Meeting Houses in such parishes.

Lord *Holland* had no objection to the motion, but remarked upon the statement of his noble friend relative to the superior cheapness of Dissenting ministers, observing that the luxury of the established church had been found too dear for the inhabitants of Jamaica, who would not pay the amount considered necessary for its support in that island, with the view of giving religious instruction to the negroes.

Viscount *Sidmouth* observed that there could not be considered any great luxury in the established church, when it appeared that out of 10,000 livings upwards of 4,000 were under 150*l.* per annum.—The motion was agreed to.

[East India Company's Loan Bill.] The Earl of *Liverpool* moved the third reading of this bill. After the many discussions which had already taken place on the subject of the company's affairs, he should not now anticipate any argument which it might be intended to urge when the question of renewing the company's charter would come before their lordships next session. He should only advert to the causes which produced the necessity of the present application to parliament, on the part of the company. Among these, were a number of bills drawn on the company from China and other places, which came upon them before they could have any returns from their own possessions; to this he would add the loss which the company had sustained in shipping and valuable cargoes, which amounted very nearly to a million. It was besides but temporary relief to answer a temporary exigency, and he doubted not but the company had assets sufficient to answer every demand.

The Earl of *Lauderdale* had more than doubts that the East India Company would ever be able to repay the public the money which the present bill proposed to lend to them. The noble secretary was far from being satisfactory on that point. For his part, after all that had been given the public to expect for several years back from the flourishing condition of the Company, he was persuaded that when their real condition came to be known, it would produce a greater disappointment than had been experienced from the delusive promises of the South Sea and Mississippi Companies. In conformity with the act of 1773, the company should not be allowed to increase their dividends beyond 6 per cent. They had, however, almost ever since been in the habit of violating that act. The declining state of their finances might fairly have been inferred from the following fact: that the account of stock per computation, from 1806 to 1808, far from shewing any profits, exhibit in that short space of time a loss to the enormous amount of 12½ millions. If such was the rapid decline of the finances of the company, how could it be reasonably expected they should ever be able to repay these loans? Nothing had of late appeared so reprehensible as the government of Madras, both in its civil and military departments. Indeed, there were circumstances in both, of the most revolting and atrocious nature. One officer had been sent home and punished, for having signed a letter offensive to the government, while another, his superior in rank, who had acted similarly, passed off not only unpunished, but promoted and rewarded: a day would come for a more full and serious investigation of these matters. As to the bill itself, he should not oppose it, because he felt that the passing of it was necessary to prevent the most mischievous and melancholy consequences to the company's affairs at the present moment.

The Earl of *Harrowby* would not now enter into the wide discussion of the finances of the company; he only rose to state, that the late conduct of the government of Madras, instead of deserving reprobation, was entitled to the highest praise. They displayed firmness and decision, at a moment when, without the seasonable exertion of these qualities, the most perilous state of things might have arisen.

The Earl of *Clancarty* entered into a

calculation to disprove the inferences drawn by the noble lord (Lauderdale) from the papers on the table. These accounts, so far from shewing that the company's affairs were in a desperate state, proved, on the contrary, that in time their resources would be abundant, and fully adequate to answer every demand.

The bill was then read a third time and passed.

HOUSE OF LORDS.

Wednesday, June 20.

[ROXBURGH PEERAGE.] The *Lord Chancellor*, in conformity to the principle of those resolutions which had been agreed to by the Committee of Privileges, made a similar motion to that passed by the House in the last session, whereby sir James Innes Ker is declared the nearest of kin, under the deed of 1648, and is put in possession of the estate.

The Earl of *Lauderdale* read a written statement of his own opinion on this subject, which was at very great length. He disagreed entirely with the noble and learned lord on the woolsack, with respect to the construction he had put on the deed of 1648. The words in that deed used, granting the right of the estate to the eldest daughter of Harry lord Ker, without division, and their heirs male, provided she married a gentleman of honourable descent, did not mean that the estate should pass to the several daughters and their heirs-male of the body, lawfully begotten. He contended, that heirs-male should be construed generally, and insisted, that the cases of Hay *v.* Hay, Bayley *v.* Tennant, Cambell *v.* Cambell, and Paul *v.* Couts, instead of contradicting, universally supported this doctrine. However great and princely the possessions of the Roxburgh family might be, the consequence of so deciding upon the term "heirs-male," was of much more importance, as it regarded the tenure by which most of the estates and titles in Scotland were held.

The *Lord Chancellor* supported the sentiments which he had delivered upon a former occasion. He next commented upon the state in which the Roxburgh estate would be placed. There was no doubt sir James Innes Ker had proved his propinquity sufficient to entitle him to the enjoyment of the estate, but he ought to have gone further in respect to the peerage; he ought not only to have shewn that he was the heir-male of lady Margaret Ker, but he ought to have proved more, that there was no such heir of lady Jane or lady Anne. The question, therefore, of the peerage, remained open for that strict proof which was always required before a Committee of Privileges.

Lord *Melville* contended for the construction, that heirs-male in the deed of 1648, meant heirs-male of the body.

Lord *Redesdale* opposed the arguments of the noble earl (Lauderdale), and urged the necessity of that construction adopted by his noble and learned friend on the woolsack. "To the eldest daughter of Harry lord Ker, without division," convinced him that the daughters, *successivé et seriatim*, were meant, and that "heirs-male" by the context meant heirs-male of the body.

The Earl of *Lauderdale* replied, and commented upon the noble and learned lord, (Redesdale,) who had ventured to deliver his opinion upon the law of this case, without knowing the law of Scotland, or having attended the pleadings of counsel at the bar.

The motion of the lord Chancellor was agreed to.—The learned lord next submitted a motion, affirming most of the interlocutory judgments, but hoping that they would not be renewed for the decision of that House; which was also agreed to.

[INSOLVENT DEBTORS BILL.] Lord *Redesdale* moved, That this bill be referred to a Committee; when he should propose certain amendments; after which, he should leave the future consideration of it to the next session. It was his intention to propose, that a commissioner, a barrister, be appointed the sole judge, and that his determination should be made a rule of that court, in which the debt was prosecuted. He recommended one, in preference to three commissioners.

The Earl of *Moira* concurred in the sentiments of the noble and learned lord, and was only sorry the measure had not passed in the present session. If ever hope deferred was cruel, it was so to those, who, under prosecution for debt, looked to the removal of this intolerable grievance.

Earl *Stanhope* applauded the principle of the bill, but thought three more eligible than one commissioner. He also thought the numerous cases of bankruptcy might likewise be referred to this tribunal.

Lord *Redesdale* maintained that one commissioner on many accounts would be preferable to three. The new court, to be erected for the decision of insolvents cases, he apprehended, would not have weight enough for the determination of important Bankrupt cases.

Lord *Holland* praised the conduct of those who had brought forward the present measure, and regretted that political subjects should in some measure alienate the minds of noble lords from the consideration of such important laws and the interests of humanity.

The bill passed through the Committee.

HOUSE OF COMMONS.

Wednesday, June 20.

[ADDRESS AND DECLARATION FROM SHEFFIELD.] Mr. *Wilberforce* rose for the purpose of performing a duty, which notwithstanding his continued indisposition, he was proud to discharge. He held in his hand an Address from a very large body of his constituents, inhabitants of the town and vicinity of Sheffield. It was from the state of his health impossible for him to have been in his place, when a petition from that town was rejected. He had now only to observe, that he derived great pleasure from presenting an Address claiming such respect from the number and respectability of the persons whose names were affixed to it.

The Address was then read: setting forth; "That they feel themselves called upon, in consequence of an Address either about to be presented or now lying upon the table of the House, purporting to be "The Address and Petition of the freeholders and inhabitants of the town and neighbourhood of Sheffield," thus publicly to disavow any participation either directly or indirectly, in the formation of, or in assenting to, that Address; and that considering the House as representing the people of this kingdom, they rely upon their wisdom for the just exercise of those privileges which a committee of the House have declared to be such as they could trace back to the earliest period, and such as immemorial usage had confirmed; they trust therefore that the House will never concede them to any assumed authority whatsoever: to the House they look forward with confidence for any system of reform which the inroads of time may have rendered necessary, or which may be compatible with the principles of our invaluable and ever to be envied constitution, or the laws of this land; and that, with equal confidence, they rely on the House for that economy in the public expenditure which our most gracious and beloved sovereign, at the commencement of the present session, so strongly recommended, and of which they conceive the divisions on the late motions of Mr. Bankes to be an earnest. May the wisdom of the Most High direct all the councils of the House, that under the blessing of his providence, this happy country, which has so long flourished in wealth and freedom, may remain, as it now is, the glory and pride of Britons, and the envy of the world!"

Mr. *Wilberforce*, in rising to move that it should lie on the table, took the opportunity of observing, that the House must feel the propriety of its course, when it called forth such concurrence from the public as was expressed in the Address just presented. The last petition, praying for reform from that town, had been rejected, and he felt much pleasure now in presenting one, which, he was convinced, was consonant to the feelings of the House, and had additional weight, from the respectability of those who signed it. He was happy to have the opportunity of presenting an Address couched in the terms and filled with the maxims of the old school. By reposing confidence in the House, they shewed their true wisdom, and their strong estimation of the constitutional principles by which it was directed. He took that opportunity to state to the House, that, when he gave his vote for the measure of reform, he was not the advocate or encourager of the wild measures so much cried up by others, and which were so long sustained, because they were impracticable. Had they appeared otherwise than impracticable to that House, they would no doubt have been long since adopted. He was for a moderate reform, such as would be compatible with the constitution, and correct the anomalies and errors which appeared in the present system of representation. He did not admire the mode of abuse into which some petitions to parliament upon the subject of reform had swelled; no good could possibly result from insulting openly the dignity of the House, and degrading it in the eyes of the public. He then entered into an eulogium upon the constitution, by which the finest species that ever existed of well-regulated liberty was established; those who felt this blessing, were grown familiar with its possession, and were from habit insensible to the happiness which flowed from it. They were therefore inclined, from the restlessness of their discontent, to underrate advantages of which this country had alone to boast. If the situation and constitution of England were compared with those of any other country, the difference would then be perceived; and when the burdens upon the people were complained of, it should be considered, that the country was labouring under a sixteen years' war, and the pressure of the taxes would be, in his opinion, satisfactorily accounted for, to a people who enjoyed more essential and substantial blessings than any other upon the face of the earth. He thought the House then on the point of breaking up, could fairly take a review of its conduct, and feel itself perfectly justified. In discussing the many popular objections now so prevalent, there was not one in his mind so replete with injurious consequences, as the unceasing endeavour to direct the public attention wholly to the blemishes of the constitution, thereby weaning the public mind from every consideration of the blessings which the people enjoyed under it.

Mr. *Hutchinson* said, that however disposed he might have been to let the present motion pass without any observation, yet there were one or two passages in the speech by which it had been introduced, which he could not so readily suffer to go unnoticed. It had been too much the practice of those who pretended to an exclusive attachment for the constitution to call in question the motives of the men who, in order to preserve that constitution, were anxious to abolish all the abuses that endangered it. He certainly could not impute to the hon. gent. the having made any direct charges of that sort, but the general tenor of his speech did appear to him to convey more than indirect insinuations to that effect. He would not follow the hon. gent. in the steps of his elaborate eulogy, but surely if the constitution was worthy of such high praise, it more particularly called for their preventing care; and without imputing motives to any set of men, he could not help thinking that they who were anxious to remove these blemishes which the innovations of time had introduced, gave as rational proofs of their loyal attachment to the constitution, as those who thought it enough to praise it. He, for his part, would rather witness the removal of those defects that had grown upon the constitution than listen to the vague praises of its original excellence. He preferred those practical eulogies that took effectual care to preserve what they praised. Another point was the right of petitioning; this was one of the most valued and unquestioned rights of the people. He feared that the conduct of the House that session had not been such as to shew their respect for that right. In examining petitions it had too much indulged in a minute and verbal criticism equally unworthy their dignity and their justice. He contended that so invaluable a right ought not to be defeated by sophistical cavils. The language of indignant complaint could not be expected to please the objects of it. That House, constituted as it then was, had been the subject of general complaint and distrust, and would, he feared, continue to be so till the wishes of the country were yielded to in a reform of its representation. On the subject of privilege he would say nothing more, than that he had always thought that the privileges of that House were only valuable in defence of the people's liberties; certainly that he conceived to be the object of their creation, and in that view he was sorry to be obliged to give it as his humble opinion that the exercise of their privileges during that session had been in certain instances hostile to the interests of the country.

Mr. *Calcraft* observed, that after all the disagreements of the session, in which ministers were left in many minorities, it was impossible for him to subscribe to the inference, that they separated with that unity of sentiment which the hon. mover fancied to exist. He was assured that the real fact was, that the House during the session had done nothing to raise itself in the estimation of the public. He did however, hope that when it was again assembled it would feel the absolute necessity of taking the course recommended by the petition, namely, of considering the best means of an economical and parliamentary reformation. He hailed the admission of such grave authority as that of the hon. mover, when he pronounced himself a friend to reform.

Mr. *Wilberforce* in explanation said, that he had not avowed himself a friend to parliamentary reform, only that he preferred for such consideration a season when the public mind was not sanguine in the pursuit, because then there was no danger of carrying the principle to a dangerous extreme.

Earl *Temple* observed, that when specific grievances were brought forward, he was most ready to admit that specific remedies ought to be considered. In that view, and that view only, was he a friend to reform, always opposed as he should be to general undefined changes, such as was demanded under what the public clamour designated parliamentary reform. He defended the privileges of the House of Commons, and protested against the principle of any subordinate court being allowed to decide upon them.—Ordered to lie upon the table.

[BRIBERY BILL]. Mr. *Charles Williams Wynn* rose to move that the House should resolve itself into a Committee on the bill for the better prevention of Bribery. As the probable duration of the session might render it impossible for him to push the bill to any further stage till next year, he wished to take the present opportunity of stating its provisions, as well as some other regulations which he intended to propose in order that they might be fully considered before parliament again met.

To argue the principle of the bill, was, he felt, superfluous. It was an axiom of the constitution that the elections of members to serve in parliament, should be free from expence, and though some gentlemen might in private pretend to justify corruption, he did not expect that any man would have the courage to maintain that argument in the House of Commons. Others there were who considered Bribery as an offence indeed against the laws, a *crimen non turpe* which exposed the perpetrator to certain penalties, but which was not in itself immoral or disgraceful.—On the contrary he must always maintain it to be a crime of a most aggravated nature against the constitution of this country, against morals and against religion.—That some new regulations were necessary to enforce this principle was evident from the circumstances proved during the last session, circumstances which had manifested to the country that practices the most corrupt not only existed, but were carried on in the most barefaced manner. The House had then determined, perhaps wisely, that it would abstain from any enquiry into past offences, but would endeavour to prevent their recurrence.

In this view and in this view only did he consider the act passed in the last session as being of value, stript as it was of all those provisions which could render it efficient. It was a solemn pledge given by parliament to the people of their disapprobation of Bribery, and of their determination to adopt measures for checking it.

If things should be allowed to proceed as they have done hitherto—if it is seen that seats in the House of Commons are still bought and sold, and that bribery is still practised, the House would justify the clamour of the enemies to the constitution. It would abuse the just hopes and expectations of its constituents, and appear to have only deluded them with promises which it did not intend to perform.

The prop and foundation of the House of Commons was public respect, which was not to be attained by weakness and cowardice falsely called conciliation, but by a firm adherence to its duty, and if one duty was more sacred and imperative than another it was that of constant and vigilant attention to check the inroads of corruption.—This attention must necessarily be unremitting, since it could scarcely be expected that the ingenuity of vice would not ultimately find means of invading any enactments which human wisdom could devise.

This had been the case with the act for the prevention of Bribery introduced by the hon. member's ancestor (sir W. W. Wynn) in the 2nd of Geo. 2. One of its provisions which appeared at the time to be the best calculated to encourage the discovery and punishment of Bribery, had since been converted into an engine for its concealment and protection. He meant that clause which provided that any person discovering an act of bribery committed by another, should be indemnified for all acts of the same nature which he had himself previously committed.

Within the last 40 years it had been discovered that a person guilty of the most general and wholesale bribery, might, under this clause, protect himself from all the consequences of his crime, provided he should give information against any one of the unfortunate persons, whose votes he had purchased.

In consequence numerous fraudulent actions had been commenced solely with this view, and members of parliament had stood forwards in courts of justice, prosecutors of those who had voted for them, and avowing with an unblushing countenance, that their object in so doing was to procure an indemnity for their past offences.

He proposed, therefore, to limit this indemnity in future to the acts of bribery, which should actually be discovered by any witness, when examined by a competent authority, whether in a court of justice, or a Committee of the House of Commons.

The necessary consequence of this, would be another clause impowering such court or Committee to compel an answer from any witness, even though it should disclose an act of bribery in which he himself had been concerned.

By this means Committees of the House of Commons, would be enabled to drag forth to public view, the bribery of votes or the purchase of seats in Parliament, however secretly the transaction might be conducted, and persons who were implicated in such practices, would be conscious that they could at no time be secure, since the accomplice of their crime might be compelled, unless he chose to incur the guilt of perjury, to reveal their offence.

It would also be necessary to empower Committees to examine witnesses, although they should have signed the petition, complaining of an undue election, which the Committee were assembled to try, since it was become a common practice among persons who were averse to be examined, lest they should give evidence unfavourable to their own friends, to sign the petition merely in order to prevent the adverse party from calling them.

He should also propose that the right of petitioning against an undue election, on the ground of bribery, should be extended to all persons whatever, though neither voters or candidates for the seat in question.

This had been the antient and constant usage of Parliament till the year 1784, at that time many groundless petitions were presented, the purpose of which, in some cases was only to entitle the petitioners to a seat under the gallery. Lord Grenville had in consequence introduced an act limiting the right of petitioning to candidates, or voters and giving costs in all cases where petitions should be found to be frivolous or vexatious.

The latter provision, would, of itself, be sufficient for its object, and the utility of the repeal of the former, would be sufficiently manifest by adverting to the many cases which might occur of the sale of seats, where a borough was completely in one interest, and every individual voter implicated in the same offence.

With the same view it might be necessary in a future session to alter in cases of bribery, the standing order, which limitted the time for presenting petitions to fourteen days after the return should be received in the crown office. At present it was a common practice to delay the payment of bribes and settlement of accounts for treating, till after those fourteen days should have elapsed.

Mr. Williams Wynn proceeded to particularize several regulations, which he intended to propose in a future session.

He proposed that the writs for new elections, should be forwarded by the general post office, instead of being entrusted to private persons, who for their own objects frequently delayed their delivery.

Additional regulations would also be necessary to shorten the duration of polls, which might now be kept open for a borough containing 200 voters, as long as for the county of York; as it was held that the returning officer could not close the poll till the expiration of fourteen days, provided one voter came forward in each hour.

No inconvenience could arise from vesting in either candidate a right to demand that the poll should at any time be closed unless twenty (or perhaps thirty) votes should be tendered within the next hour. With respect to county elections he felt that the greatest benefit would result from the proposal already given notice of by Mr. Brand, for taking the poll in the different hundreds, if it should be found practicable, but that whatever might be the decision of the House on that subject, it would be proper to enable the sheriffs to encrease the number of books or polling places, which at present was much too limited.

He next suggested the propriety of reviving the antient practice of election, by which, if two members were to be elected, and the shew of hands in favour of one candidate was unquestioned, he might be declared duly elected, although a poll should take place for the other seat.

Many smaller provisions had likewise been found from experience desirable, with respect to the appointment of election committees, and the trials of controverted elections, especially with regard to the exchange of lists of votes objected to, the increase of the amount of recognizances for the due prosecution of petitions, and above all to facilitate the recovery of the costs where petitions are adjudged to be frivolous, and vexatious.

Mr. *Johnstone* did not wish to enter into any discussion on the subject in its present stage; he merely rose to observe, that he concurred with the ideas of the hon. gent., but differed as to the necessity of the remedies he proposed. He was not willing to adopt measures which were inconsistent with the law of the land. It had been said that the state of things in the House was now such, that our ancestors would have "started with indignation," on the contrary, he would assert, that our ancestors were guilty of practices at which this House would shudder. It should be recollected that the members were in former times elected as in a common club, by ballot. The present was not a period of corruption, as so often asserted; he rather thought that it exceeded any former age in honesty and purity.

Mr. *Brougham* observed, that the reason why bribery did not now seem to be so extensive, was because it was carried on with greater cunning and more secretly. He, from experience, could assert, that in several boroughs there existed an organised system of bribery; from this bill therefore he augured much good to the country. He believed the not being able to compel a witness to give full evidence to be a chief cause of many evils. In case of great corruption existing in a borough, he would allow the neighbouring hundred to petition against it. He gave to his hon. friend the warmest thanks for the introduction of the bill. Before he sat down, he took the opportunity of noticing that a letter of his to some of his hon. friends near him, having been surreptitiously published, had caused much clamour in the north of the kingdom, and had occasioned many advertisements in the public papers accusing him of attacking the Scotch corporate rights. He now gave notice, that he would early in the ensuing session, submit the consideration of this subject to the House.

Mr. *Lockhart* thought that the bribery laws in their present state, increased, rather than diminished the evil. The crime itself was generally committed by agents; he conceived it to attack the very vitals of the constitution. He felt himself bound to give his steady support to the present bill.

Lord *Porchester* thought it would have been satisfactory to the House, had ministers given a pledge that they would further some measure for effectually preventing the effects of bribery, as it could not be thought that the mere paper bill, passed in the last session, could prove efficient to remedy the evils of which they complained, or even give them a satisfactory check. When revenue bills were passed every possible means were taken for rendering them effectual. This was stated to be necessary to the public service; but whenever a measure of this nature was brought forward, founded on a great constitutional principle, a wish to shrink from the subject was manifested on the part of his Majesty's government, though he contended they would find their true interest in giving it their support, and in putting an end to bribery altogether. When that question was before them, no middle course could with propriety be pursued, as such must ultimately end in disgrace and parliamentary reform, not that parliamentary reform contended for by the moderate and the wise, but that which would throw the nation into confusion.

Sir *S. Romilly* expressed his entire concurrence with the general principle of the bill, and felt how important it was to the House and to the country, that such a measure should be passed. He could not but express surprise that those who enjoyed his Majesty's confidence, should not be present at the discussion. The bill passed in the last session would be injurious to the cause rather than otherwise, if it were not followed up by some more effectual measure. He could not but express a wish that a moderate Parliamentary Reform might be effected: such a reform could alone prove beneficial to the country; any other must be attended with serious evils—with convulsions that might endanger the security of the country.

Mr. *Wharton* defended the absence of ministers. He understood it to have been the intention of the hon. gent. merely to explain the principles of his bill, and thought it unnecessary at that time to detain his right hon. friends. Hereafter they would, he had no doubt, take an opportunity of offering some observations on it. He thought it was hard, when they gave it no opposition, that they should be censured for not remaining in the House to give their sentiments on it, when in its present stage their support could not further it.

Mr. *C. W. Wynn* shortly replied, after which the House resolved itself into the Committee, in which the hon. gent. proposed, to prevent the evils alluded to by his hon. friend, that persons of the description he had spoken of, should give greater securities to prosecute than others.

Mr. *Brougham* left it for the consideration of his hon. friend, if the provision he proposed to make would be sufficient to prevent the evil. He feared it would not, as such persons frequently extorted money by threats.

After a few further remarks the House resumed, the report was brought up and ordered to be taken into further consideration on that day se'nnight.

[College of Physicians.] Mr. *Prendergast* rose to give notice of a motion for next session; and stated, that during the interval of the late adjournment of the House, a communication had been made to him on the subject of certain bye-laws and regulations that had been framed, and were now acted upon by the College of Physicians, to the merits of which, had there been sufficient time, he should certainly have felt it his duty to solicit the immediate attention of the House. He considered those bye-laws to involve a question of great public interest, as far as they affected the rights of some very meritorious and eminent professional gentlemen. As he could not on the eve of a prorogation, enter fully into the subject, he should content himself with giving notice of a motion for next session on the subject, should they not in the interim, find it expedient to revise their code of bye-laws, and rescind those clauses, which had been represented to him, and he conscientiously believed were faithfully represented as unjust, vexatious, and highly objectionable.

HOUSE OF LORDS.

Thursday, June 21.

[The Lords Commissioners' Speech at the Close of the Session.] About 3 o'clock, the archbishop of Canterbury, the Lord Chancellor, the earl of Westmoreland, the marquis Wellesley, and the earl of Aylesford, took their seats as his Majesty's Commissioners. Mr. Quarme, the deputy usher of the black rod, was sent to the Commons to require their attendance. Shortly afterwards the Speaker and a number of members of the House of Commons, came to the bar. His Majesty's Commission giving the royal assent to certain bills, was read at the table by the clerk. The royal assent was notified in the usual form to the several bills. After which, The *Lord Chancellor*, in his Majesty's name, delivered the following Speech:

"My Lords and Gentlemen,

"His Majesty has commanded us to acquaint you, that, as the public business is now concluded, he thinks it proper to put an end to the present session of Parliament.

"We are commanded by his Majesty to express the satisfaction he derived from the reduction of the island of Guadaloupe by his Majesty's arms, an event which, for the first time in the history of the wars of Great Britain, has wrested from France all her possessions in that quarter of the world; and which, together with the subsequent capture of the only colonies in the West Indies which remained in the possession of the Dutch, has deprived his Majesty's enemies of every port in those seas, from which the interests of his Majesty, or the commerce of his subjects can be molested.

"Gentlemen of the House of Commons,

"His Majesty has commanded us to thank you for the liberal and ample supplies which you have granted for the services of the present year.

"His Majesty deeply regrets the necessary extent of the demands which those services have created; but we are commanded to express to you the consolation which he has derived from observing that the resources of the country, manifesting themselves by every mark of prosperity, by a revenue increasing in almost all its branches, and by a commerce extending itself in new channels, and with an increased vigour in proportion as the enemy has in vain attempted to destroy it, have enabled you to provide for the expences of the year, without imposing the burden of any new taxation in Great Britain; and that, while the taxes which have been necessarily resorted to for Ireland, have been imposed upon articles which will not interfere with the growing prosperity of that country, you have found it consistent with a due regard to its finances, to diminish some of those burdens, and relax some of those regulations of revenue, which had been felt the most inconvenient in that part of the United Kingdom.

"His Majesty further commands us to return you his thanks for the provision which you have enabled him to make for the establishment of his serene highness the duke of Brunswick.

"My Lords and Gentlemen,

"His Majesty has directed us to acquaint you, that Portugal, rescued from the oppression of the enemy, by the powerful assistance of his Majesty's arms, has exerted herself with vigour and energy in making every preparation for repelling, with the continued aid of his Majesty's forces, any renewed attack on the part of the enemy; and that in Spain, notwithstanding the reverses which have been experienced, the spirit of resistance against France still continues unsubdued and unabated: And his Majesty commands us to assure you of his firm and unaltered conviction, that not only the honour of his throne, but the best interests of his dominions, require his most strenuous and persevering assistance to the glorious efforts of those loyal nations.

"His Majesty has commanded us to recommend to you, upon your return to your respective counties, to use your best exertions to promote that spirit of order and obedience to the laws, and that general concord amongst all classes of his Majesty's subjects, which can alone give full effect to his Majesty's paternal care for the welfare and happiness of his people. His Majesty has the fullest reliance upon the affections of his subjects, whose loyalty and attachment have hitherto supported him through that long and eventful period, during which it has pleased Divine Providence to commit the interests of these dominions to his charge. His Majesty feels that the preservation of domestic peace and tranquillity, under the protection of the law, and in obedience to its authority, is amongst the most important duties which he owes to his people.

"His Majesty commands us to assure you, that he will not be wanting in the discharge of that duty; and his Majesty will always rely with confidence on the continued support of his loyal subjects, to enable him to resist with success the designs of foreign enemies, and to transmit unimpaired to posterity the blessings of the British constitution."

A Commission for proroguing the Parliament to Tuesday, the 21st of August, was read; the Lord Chancellor, in his Majesty's name, and by virtue of the said Commission, declared the Parliament to be prorogued to Tuesday, the 21st of August next, to be then there holden.

HOUSE OF COMMONS.

Thursday, June 21.

The Speaker took the chair at a quarter before 3 o'clock. The deputy usher of the black rod, summoned the House to the House of Peers, to hear Commissions read for passing bills, and the prorogation of Parliament. The Speaker attended by the members went up, and returned in about 20 minutes. He read the Speech as usual at the table to the several members, who immediately after separated.—Thus ended the Fourth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland.

[A List of the Public Acts passed during the Session, will be found at p. lxxi, of the Appendix.]

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Printed by T. C. Hansard, Peterborough-Court,
Fleet-Street, London.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. XVII.

FINANCE ACCOUNTS OF GREAT BRITAIN,

FOR THE YEAR ENDED FIFTH OF JANUARY, 1810.

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I.—PUBLIC INCOME.

HEADS OF REVENUE.	Gross Revenue.			Net Produce.			Payments into Exchequer.		
ORDINARY REVENUES:									
Permanent and Annual Taxes.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	11,024,881	2	5	8,568,032	10	0	7,217,044	15	2¾
Excise	19,571,880	0	0¼	17,184,931	3	11¾	16,797,132	0	0
Stamps	5,622,954	18	1½	5,309,843	1	11	5,124,739	2	6
Land and Assessed Taxes	9,063,715	16	10¼	8,742,483	6	5½	7,863,231	17	4¾
Post Office	1,791,390	17	4¼	1,370 069	1	11¼	1,168,000	0	0
1 *s.* in the £. on Pensions and Salaries	33,932	10	5	33,259	17	4	31,477	9	4¼
6 *d.* in the £. on Pensions and Salaries	52,530	2	4¾	51,483	14	10¾	51,377	0	0
Hackney Coaches	28,890	1	3½	25,925	7	10½	25,790	0	0
Hawkers and Pedlars	15,857	0	0	12,995	6	6½	12,780	0	0
Total Permanent and Annual Duties	47,206,035	8	10¼	41,299,023	10	11½	38,291,572	4	5¾
Small Branches of the Hereditary Revenue.							Hanaper 2,000	0	0
Alienation Fines	9,885	2	1	8,737	14	1	3,770	2	0
Post Fines	7,591	9	7	7,497	11	1	4,832	14	1½
Seizures	14,529	13	3	14,529	13	3	14,529	13	3
Compositions	2	0	0	2	0	0	2	0	0
Proffers	603	15	10	603	15	10	603	15	10
Crown Lands	91,278	16	9¼	87,379	9	2¼	47,921	11	10
Extraordinary Resources.									
War Taxes. Customs	3,397,201	15	4¾	3,072,761	19	10¾	3,072,761	19	10¼
War Taxes. Excise	5,802,491	12	2¾	5,633,216	11	1½	5,593,265	0	0
War Taxes. Property Tax	12,386,912	13	5	12,134,118	10	8½	12,134,118	10	8½
War Taxes. Arrears of Income Duty, &c.	26,891	0	7¾	26,043	18	3	26,043	18	3
Lottery, Net Profit—one third for Ireland	458,333	6	8	435,818	15	9	435,818	15	9
Monies Paid on Account of the Interest of Loans raised for the Service of Ireland	2,260,436	5	8	2,260,436	5	8	2,260,436	5	8
On Account of the Commissioners, appointed for Issuing Exchequer Bills for Grenada	15,000	0	0	15,000	0	0	15,000	0	0
Surplus Fees of Regulated Public Offices	104,364	7	9¼	104,364	7	9¼	104,364	7	9¼
Surplus Revenue of the Isle of Man	9,717	9	9½	9,717	9	9½	9,717	9	9½
On Account of the Interest, &c. of a Loan granted to the Prince Regent of Portugal	28,585	1	6	28,585	1	6	28,585	1	6
Imprest Money Repaid by sundry Public Accountants, &c. &c.	83,968	12	11¼	83,968	12	11¼	83,968	12	11¼
Other Monies Paid to the Public	469	0	0	469	0	0	469	0	0
Total, Independent of Loans	71,904,297	12	4¾	65,227,274	7	9½	62,129,781	3	9½
Loans Paid into the Exchequer, including £. 3,000,000 for Ireland, and £. 600,000 for the Prince Regent of Portugal	14,675,668	18	6	14,675,668	18	6	14,675,668	18	6
GRAND TOTAL	86,579,966	10	10¾	79,902,943	6	3½	76,805,450	2	3½

II.—CONSOLIDATED FUND.

INCOME.	£.	s.	d.
Net Produce of the Customs	3,810,736	19	6¾
Excise	13,775,336	0	0
Stamps	2,922,034	14	11½
Incidents	5,888,077	8	11¼
Surplus of Sugar, Malt, & Tobacco, annually granted	1,160,835	3	5¾
- - Ditto - on 6*d.* and 1*s.* per lib. on Pensions and Salaries	51,136	0	0
Arrears of Annual Malt, 1807 and 1808	456,722	3	7
Ditto - - 4*s.* Aid - 1776	502	3	6½
Land Tax, 1799, 1800, 1801, 2, 3, 4, 5, 6, 7, 8, & 9.	1,158,552	19	5¼
Pensions, 1799, 1800, 1801, 2, 3, 4, 5, 6, 7, 8, & 9.	155,914	14	4
Income Duty, Anno 1799, 1800, 1801	22,625	10	4
Arrears of Assessed Taxes 1798	3,418	7	11
Monies reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine 1789.	93,819	13	2
Money paid into the Treasury by divers persons	252,554	3	1½
Interest, &c. on Loans for the Service of Ireland	918,531	8	1
Total Income of the Consolidated Fund, applicable towards paying the Charge for Debt created before 5th Jan. 1803, and the Incidental Charges as they stood on the 5th of Jan. 1810	30,600,797	10	5½
DUTIES pro Anno 1803.			
Reserved out of Consolidated Customs, per Act 43 Geo. 3. cap. 68, £.62,500 at per Quarter	250,000	0	0
Brought from Consolidated Stamp Duties, per Act 48 Geo. 3. cap. 149	56,965	15	3
Reserved out of Consolidated Duties on Assessed Taxes, per Act 48 Geo. 3.	776,608	0	0
Interest, &c. on Loan for Ireland	136,095	14	4
TOTAL	1,222,669	9	7
DUTIES pro Anno 1804.			
Brought from Consolidated Stamp Duties, per Act 48 Geo. 3. cap. 149	960,346	18	11
Interest, &c. on Loan for Ireland	330,215	18	6
TOTAL	1,290,562	17	5

CHARGE.	Actual Payment out of the Consolidated Fund, in the Year ended 5th January, 1810.			Future Annual Charge upon the Consolidated Fund, as it stood on 5th January 1810.		
	£.	s.	d.	£.	s.	d.
Total Charge for Debt created prior to 5th of Jan. 1803, as it stood on the 5th Jan. 1810	24,172,699	12	9¾	24,163,014	4	6½
CIVIL LIST.—His Majesty's Household	898,000	0	0	898,000	0	0
Ditto per Act 44 Geo. 3	60,000	0	0	60,000	0	0
COURTS OF JUSTICE.—Judges of England and Wales, in Augmentation of their Salaries	13,050	0	0	13,050	0	0
Deficiencies of Judges Salaries	10,386	17	5½	Uncertain.		
Additional Salaries to Judges in Wales	1,600	0	0	1,600	0	0
Aaron Graham, Esq. Inspector of the temporary Places of Confinement for Felons	350	0	0	350	0	0
William Baldwin, Esq. Receiver of the Seven Public Offices	17,199	13	0	Uncertain.		
Patrick Colquhoun, Esq. Ditto Thames Police Office	6,037	12	9			
John Alleyne Beckles, Esq. acting Judge at Barbadoes	800	14	9	—		
John Woodfield Compton, Esq. Chief Justice at Do.	2,000	0	0	2,000	0	0
Henry Morcton Dyer, Esq.....Ditto.....Bahamas.	2,000	0	0	2,000	0	0
Alexander Croke, Esq. ......Ditto.....America.	2,000	0	0	2,000	0	0
John Sewell, Esq. ....Ditto.....Malta	2,000	0	0	2,000	0	0
Henry John Hinchliffe, Esq. .Ditto.....Jamaica	2,000	0	0	2,000	0	0
William Territ, Esq. ....Ditto.....Bermudas.	1,000	0	0	3,000	0	0
Sheriffs of England and Wales	4,000	0	0	4,000	0	0
Clerk of the Hanaper in Chancery	3,000	0	0	Uncertain.		
MINT.—Master of his Majesty's Mint in England	10,350	0	0	13,800	0	0
............Ditto............Scotland	1,200	0	0	1,200	0	0
Receiver of Fees in the Office of the Mint	2,933	7	6	Uncertain.		
Salaries and Allowances	11,124	3	5	Uncertain.		
Commissioners for Auditing the Public Accounts	11,663	14	8½	11,100	0	0
Salaries and Contingencies in the Office of Ditto	34,335	18	9	Uncertain.		
Commissioners for Auditing the West India Accounts	3,500	0	0	3,500	0	0
Salaries and Contigencies in the Office of Ditto	6,801	11	4	Uncertain.		
Pensions	295,968	1	8½	287,536	8	2
MISCELLANEOUS:—For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
Commissioners for Compensations for Losses sustained under the Act for the Improvement of the Port of London	186,214	0	1	Uncertain.		
Salaries Contingencies, &c. in the Office of Ditto.	13,566	10	6			

Duties pro Anno 1805.			
Duty on Goods, Anno 1805	78,525	6	9¾
Brought from Consolidated Stamp Duties	52,313	16	8½
Brought from Consolidated Customs	132,381	0	0
Taken from Consolidated Letter Money	235,333	6	8
Reserved out of the Consolidated Duties on Assessed Taxes, Duty on Horses	168,448	0	0
Duties taken out of Consolidated Excise	644,773	0	0
Interest, &c. on Loan for the Service of Ireland	277,000	1	7
Total	1,588,774	11	9¼
Duties pro Anno 1806.			
Wine Duty, 1803 and 1804, and Tea Duty	472,320	0	0
British Spirits, Anno 1806	75,900	0	0
Reserved out of Consolidated Duties on Assessed Taxes	542,091	0	0
Interest, &c. on Loan for the Service of Ireland	133,902	0	0
Brought from Consolidated Stamp Duties	6,917	1	4
Total	1,231,130	10	4
Duties pro Anno 1807.			
Brought from war Taxes to pay the Charges of Loan	1,200,000	0	0
Interest, &c. on Loan for the Service of Ireland	222,928	10	6
Total	1,422,928	10	6
Duties pro Anno 1808.			
Surplus of Consolidated Duties on Assessed Taxes	182,663	10	7½
Surplus of Consolidated Stamp Duties	1,123,160	15	4
Interest, &c. on Loan for the Service of Ireland	208,896	5	9
Total	1,514,720	11	8½
Duties pro Anno 1809.			
Brought from Consolidated Customs	105,000	0	0
Ditto .... War Taxes, to pay the Charges of Loan for 1809	585,778	7	1¼
Charges on Loan for the Prince Regent of Portugal	28,585	1	6
Interest, &c. on Loan for the Service of Ireland	32,865	17	11
Total	752,229	6	6¼
TOTAL Income of the Consolidated Fund in the year ending 5th January, 1810	39,623,813	8	3½

Total Incidental Charges upon the Consolidated Fund, as they stood on the 5th of January, 1810.	1,606,038	19	8½	1,318,043	1	10
Debt incurred in respect of £. 12,000,000 raised for the Service of the Year 1803	817,120	10	6¾	817,120	10	6¾
Debt incurred in respect of £.14,500,000, raised for the Service of the Year 1804	1,174,168	18	0	1,174,168	18	0
Debt incurred in respect of £.22,500,000, raised for the Service of the Year 1805.	1,716,992	1	6½	1,716,992	1	6½
Debt incurred in respect of £.20,000,000, raised for the Service of the Year 1806	1,435,522	15	2¼	1,434,874	4	1¾
Debt incurred in respect of £.4,000,000 in Exchequer Bills, funded for the Service of the year 1808	1,085,700	16	8	878,051	3	0

RECAPITULATION.

Total Charge for Debt incurred in 1809	633,644	5	0¼	1,358,330	9	4¼
Ditto....Ditto....prior to 1803	24,172,699	12	9¼	24,163,014	4	6½
Ditto....of Incidental Charges	1,606,038	19	8½	1,318,043	1	10
Total Charge for Debt, incurred in 1803	817,120	10	6¾	817,120	10	6¾
Ditto....Ditto 1804	1,174,168	18	0	1,174,168	18	0
Ditto....Ditto 1805	1,716,992	1	6½	1,716,992	1	6½
Ditto....Ditto 1806	1,339,288	0	0	1,339,288	0	0
Ditto....Ditto 1807	1,435,522	15	2¼	1,434,874	4	1¾
Ditto....Ditto 1808	1,085,700	16	8	878,051	3	0
TOTAL CHARGE upon the CONSOLIDATED FUND in the Year ended 5th January, 1810	35,981,175	19	5½	34,199,882	12	11¾

An Account of the Net Produce of all the Permanent Taxes *of* Great Britain;

	In the Year ended 5 Jan. 1809			Do. 5th Jan. 1810.		
	£.	s.	d.	£.	s.	d.
CONSOLIDATED CUSTOMS	3,257,427	13	0¼	4,260,651	0	11¼
....Ditto........EXCISE	15,505,080	2	6	14,892,429	0	0
....Ditto........STAMPS	4,476,838	2	3	5,119,467	18	4
INCIDENTS.						
Houses and Windows 1758	6	2	9	—		
Ditto 1766	102	12	5½	1,168	10	2
Inhabited Houses 1778	185	7	8¾	—		
Horses for Riding 1785	101	10	4½	103	10	0
Male Servants	70	0	0	100	0	0
4 Wheeled Carriages	17	0	0	—		
2....Ditto	7	0	0	—		
Waggons	0	6	0	—		
Carts	18	6	0	101	16	4
Female Servants	0	3	9	—		
Hackney Coaches and Chairs 1711 & 1784	26,029	0	0	25,790	0	0
6*d.* per Lib. on Pensions 1721	34,784	0	0	12,509	0	0
1*s.*.....Ditto....Salaries 1758	40,823	0	0	9,859	9	4¼
Letter Money	1,080,000	9	11½	1,160,000	0	0
Hawkers and Pedlars	12,125	0	0	12,780	0	0
Seizures	3,733	11	7½	14,529	13	3
Proffers	680	8	10	603	15	10
Compositions	3	10	0	2	0	0
Fines and Forfeitures	1,321	19	2	823	16	0
Rent of a Light House	6	13	4	6	13	4
Ditto..Alum Mines	816	0	0	816	0	0
Alienation Duty	7,200	8	8	3,770	2	0
Lottery Licences	4,879	17	7	5,271	4	2
Legacies	54,594	0	0	—		
Quarantine Duty	11,445	3	0¼	14,802	6	10½
Canal and Dock Duty	29,117	15	6	22,664	11	9
£. 10 per Cent 1793	10	16	0	0	1	0
Hair Powder Certificates 1795	2,159	19	8½	647	2	6
Horse Dealers Licences 1796	145	8	4½	410	0	0
£. 20 per Cent 1797	—	—	—	381	14	10¾
Houses	—	—	—	8	8	1¼
Horses	—	—	—	87	9	6
Clocks and Watches	—	—	—	284	8	4
Additional Assessed Taxes 1798	—	—	—	5	2	1½
Houses and Windows	538	1	6	2,117	6	11
Inhabited Houses	104	2	6	200	2	0
Horses for Riding	413	13	0	712	8	0
Ditto .... Husbandry	209	12	0	779	0	0
Male Servants	158	4	0	392	5	0
4 Wheeled Carriages	748	0	0	780	0	0
2 .... Ditto	134	4	0	320	0	0
Dogs	128	14	0	612	6	0
Armorial Bearings	1,315	1	3	808	3	0
Horses for Husbandry 1801	6	0	0	100	0	0
Ditto......Riding	8	12	4½	100	0	0
Houses and Windows 1802	10,624	5	4¼	5,305	4	8
Inhabited Houses	5,787	16	2	4,094	6	10
Horses for Riding	6,063	18	4½	8,902	17	9
Ditto .... Husbandry	15,238	13	7	739	2	0
Male Servants	4,798	16	11½	1,286	18	1
4 Wheeled Carriages	4,900	18	2	3,586	6	10½
2 .... Ditto	1,714	8	8	775	2	2
Dogs	6,076	12	4	855	13	11
Houses and Windows 1804	1,483,189	5	9½	140,089	7	0¾
Inhabited Houses	625,088	8	11¼	103,504	5	11½
Horses for Riding	578,218	19	10¼	94,693	5	0½
Ditto..and Mules	402,370	12	4¼	94,957	2	1¼
Male Servants	303,791	15	0¾	62,297	12	7¼
Carriages	317,109	10	4½	67,747	3	4
Dogs	110,118	19	1½	34,541	5	10
Hair Powder Certificates	59,202	7	11	28,287	0	8

taken for Two Years, ending respectively 5th January 1809 *and 5th January* 1810.

		In the Year ended 5 Jan. 1809.			Do. 5th Jan. 1810.		
		£.	s.	d.	£.	s.	d.
Horse Dealers Licences		9,716	1	9½	8,975	17	2¼
Armorial Bearings		34,200	5	0	22,105	5	7½
Goods and Wares 1805		272,099	3	3¼	78,525	6	9¾
British Spirits 1806		497,540	0	0	75,900	0	0
£. 10 per Cent		428,412	2	6¾	153,829	19	3½
Consolidated Assessed Taxes 1808		1,214,414	15	3½	5,678,695	7	8
6*d.* per Lib. on Pensions 1809		—	—	—	2,000	0	0
Land Taxes		1,126,754	15	8	1,159,055	2	11¾
Surplus of Duties Annually granted after discharging £.3,000,000 Exchequer Bills charged thereon.	Sugar and Malt	511,493	5	5¼	376,477	9	0¾
	Additional Malts	762,076	0	0	696,516	14	5
	Annual Malts	1,240	6	10	456,722	3	7
	Tobaccos	162,470	0	0	87,841	0	0
	Land Tax on Offices, &c.	139,106	2	4	155,914	14	4
	6*d.* per Lib. on Pensions	—	—	—	34,868	0	0
	1*s.* Ditto .... Salaries	—	—	—	18.618	0	0
		33,647,314	0	6¼	35,233,704	1	7¼
Duties annually granted to discharge £.3,000,000 Exchequer Bills charged thereon	Sugar and Malt	2,376,507	7	1¼	2,466,205	17	1½
	Additional Malts	174,862	0	0	224,518	0	0
	Annual Malts	445,829	0	0	12,527	0	0
	Tobaccos	298,591	0	0	378,052	0	0
	Land Tax on Offices, &c.	13,000	0	0	8,500	0	0
	6*d.* per Lib. on Pensions	26,000	0	0	2,000	0	0
	1*s.* Ditto .... Salaries	18,615	0	0	2,000	0	0
		37,000,718	7	8	38,327,506	18	8¾

III.—ARREARS AND BALANCES.

HEADS AND TOTALS OF THESE ACCOUNTS.

		£.	s.	d.
Arrears due on the 5th January 1809, from the Officers of the Customs in England, &c.	Present Collectors	41,028	18	5
	Late Collectors	1,809	16	2¾
Arrears due on Ditto, from the Officers of the Customs in Scotland, &c.	Late Collector	49	5	9½
	Present Collectors	14,486	12	2¾
Arrears due on Ditto, from the Officers of Excise in England, &c.		45,857	6	11
Arrears due on Ditto, from the Officers of Excise in Scotland, &c.		3,025	10	5
Arrears due on Ditto, from the Distributors of Stamps in Great Britain, &c.		37,118	1	7½
Balances in the Hands of the Distributors of Stamps in Great Britain, &c		112,338	16	1½
Arrears due on the 5th of January 1809, from the Receivers General of the Land and Assessed Taxes in Great Britain, &c.		387,203	2	2
Arrears due on the 5th January 1809, from the Officers of the Post Office in Great Britain, &c.	Irrecoverables	4,638	5	8¼
	Recoverables	2,456	7	0½
Balances in the Hands of the Deputy Postmasters in Great Britain, &c.		89,069	8	6¾
Balances due on the 5th January 1809, from the Receivers of the Land Revenue of the Crown for England, &c.		None.		
Balances due on Ditto, from the Receivers of the Land Revenues of the Crown for Wales, &c.		None.		
Accounts delivered into the Office of the Comptrollers of the Accounts of the Army, &c.		(No Total given.)		

List of Officers and Departments whose Accounts are Audited by the Commissioners for Auditing the PUBLIC ACCOUNTS; *viz.*

Cashier of the Bank of England.
Commissioners for the Reduction of the National Debt.
Secretary to the said Commissioners.
Cashier of the South Sea Annuities.
Paymaster of Exchequer Bills.
Inspector of Exchequer Tontine.
Cashier of Bank, for Loans and Lotteries.
Secretary for Contingent Expences of Lottery.
Chamberlain of London, Orphans Fund.
Treasurer of the Navy.
Treasurer of the Ordnance.
Treasurer of the Navy Bills funded.
Treasurer of the Ordnance Bills funded.
Inspector of Roads in North Britain.
Paymaster General of the Army.
Agent to the Out-Pensioners of Chelsea Hospital.
Barrack, First Commissioner of.
Paymaster of Widows Pensions.
Receiver General of the Customs.
Comptroller General of the Customs.
Commissioners for Licensing Hawkers and Pedlars.
Receiver General of Revenues arising by licensing Hackney Coaches and Chairs.
Receiver of the Customs, Isle of Man.
Receiver General of the Stamps.
Comptroller General of the Stamps.
Commissary General of England.
Agent for Regimental Infirmaries.
His Majesty's Principal Secretaries of State, and the First Lord Commissioner of the Admiralty, for Secret Service Money.
Treasurer of Royal Military Asylum.
Treasurer of Royal Military College.
Receiver General of the Post.
Comptroller General of the Post.
Receiver of First Fruits of the Clergy.
Receiver of Tenths of the Clergy.
Keeper or Clerk of the Hanaper.
Paymaster of American Pensions.
Paymaster of Allowances to Toulonese Emigrants.
Lord Chamberlain of the Household.
Master of the Robes.
Master of the Horse.
Master of the Mint.—Warden of Ditto.
Solicitor to the Treasury.
Comptroller and Cashier of Stationary Office.
Surveyor of Somerset Place.
Storekeeper General.
Agent for Volunteer Corps.
Agent for paying Allowances to retired and officiating Chaplains of the Army.
Agent for Cape Breton.—Bahama Islands.—New Brunswick.—Prince Edward Island.—Upper Canada.—Newfoundland.—Nova Scotia.—New South Wales.—Sierra Leone.

List of Persons Accountable before the Commissioners for Auditing the PUBLIC ACCOUNTS, *for Money imprested on Account, for Extraordinary Services; viz.*

Barrack Masters General Abroad.
Deputy Barrack Masters General.
Contractors for remitting Money for Pay of Extras of the Forces.
Commissaries General, and Deputy Commissaries for the Purchase and Issues of Stores at Home and Abroad
Commissaries of Accounts.
Engineers, for Monies received out of the Extraordinaries of the Forces.
Governors of Islands or Provinces, and Lieut. Governors thereof.
Commander in Chief, for Contingencies.
Paymasters of Provincial Forces.
Purveyors of Hospitals.
Quarter Masters General, and Deputy Quarter Masters General Abroad.
Secretaries to Governors.
Secretaries to Commanders in Chief.

N. B.—Any Person to whom Money may be Imprested on Account of Extraordinary Services (not relating to the Navy or Ordnance) becomes a Public Accountant, and is compellable to pass an Account in this Office.

This Class also contains,

List of Accounts Delivered Over by the late Commissioners for Auditing Public Accounts to The Commissioners appointed for the like purpose under the 46th Geo. 3; and of the Accounts since received into the Audit Office, Somerset-Place, or since received into the Office of the said Commissioners, which have NEITHER been Audited, Stated, or Declared;—completed to the 5th of January 1810.

List of Accounts Delivered Over by the late Commissioners for Auditing the Public Accounts to The Commissioners appointed for the like purpose under the 46th Geo. 3; and of the Accounts since received into the Audit Office, Somerset-Place, or since received into the Office of the said Commissioners, which HAVE been either Stated or Declared; so far as any Balances appear to be now owing to, or from, the Public, upon any such Accounts;—completed to the 5th of January 1810.

IV.—TRADE AND NAVIGATION OF GREAT BRITAIN.

Value of all IMPORTS *into, and all* EXPORTS *from* GREAT BRITAIN, *for Three Years, ending 5th January* 1810.

	OFFICIAL VALUE of IMPORTS.		OFFICIAL VALUE of EXPORTS.	
	From Europe, Africa, and America.	From East Indies and China.	British Produce and Manufactures.	Foreign Merchandise.
	£.	£.	£.	£.
Year ending 5th January 1808	25,453,149	3,401,509	25,171,422	9,395,149
1809	23,780,704	5,848,694	26,691,962	7,862,305
1810	30,406,560	*	35,107,439	15,194,324

Note—The Actual Value of British Produce and Manufactures Exported from Great Britain, according to the average Prices Current, and to the Declarations of the Exporters, was, in the Year ending the 5th of January 1810.......... £.50,242,761.

* The Account of Imports from the East Indies and China cannot yet be given.

[The Appendixes to this Account specify the various Articles.]

Number of VESSELS, *with the Amount of their* TONNAGE, *which have been Annually Built and Registered in the several Ports of the* BRITISH *Empire, (except Ireland) between 5th Jan.* 1807 *and 5th Jan.* 1810.

	SHIPS.	TONS.
In the Year 1807	770	68,000
In the Year 1808, being the Account delivered last Year, and now corrected	568	57,140
In the Year 1809	547	57,316

Number of VESSELS, *with the Amount of their* TONNAGE, *and the Number of* MEN *and* BOYS *usually employed in navigating the same, which belonged to the several Ports of the* BRITISH *Empire, on the 30th September, in the Years* 1807, 1808, *and* 1809.

	In 1807.			In 1808.			In 1809.		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
England	15,087	1,797,182	119,631	15,327	1,833,971	119,881	15,687	1,875,224	122,815
Guernsey	106	9,927	993	110	10,850	1,061	112	10,503	912
Jersey	77	6,891	552	66	5,429	500	58	5,451	576
Isle of Man	390	9,373	2,259	381	9,237	2,216	372	8,989	2,159
Plantations	2,917	184,794	13,565	3,066	194,423	13,081	3,188	201,247	13,557
Scotland	2,615	216,553	15,658	2,592	211,950	15,042	2,534	206,075	14,720
Ireland	1,098	56,901	5,217	1,104	58,959	5,324	1,119	60,979	5,560
Total	22,290	2,281,621	157,875	22,646	2,324,819	157,105	23,070	2,368,468	160,598

Number of VESSELS *with the Amount of their* TONNAGE, *which entered* INWARDS *and cleared* OUTWARDS, *at the several Ports of* GREAT BRITAIN, *from, or to, all Parts of the World, between the 5th January* 1807, *and the 5th January* 1810.

	INWARDS.						OUTWARDS.					
	BRITISH.			FOREIGN.			BRITISH.			FOREIGN.		
ENGLAND.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
1807.	8,590	1,196,872	69,544	3,712	626,603	29,406	8,924	1,190,232	73,813	3,630	600,840	29,685
1808.	8,978	1,110,901	69,137	1,829	269,970	14,818	9,431	1,153,488	74,372	1,821	272,104	15,116
1809.	10173	1,327,723	80,938	4,694	722,920	36,420	9,935	1,318,508	87,153	4,379	674,680	35,894
SCOTLAND.												
1807.	2,623	239,795	15,453	375	53,541	3,082	2,504	233,871	15,902	216	31,070	1,726
1808.	2,338	203,340	13,617	96	12,922	694	2,492	219,322	15,260	71	10,041	555
1809.	2,483	211,850	14,858	230	36,367	1,865	2,564	212,644	15,370	151	25,070	1,362

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. For Interest, &c. on the Permanent Debt of Great Britain, Unredeemed, App. (A.) *	-	-	-	20,996,052	11	11¼			
Charges of Management	-	-	-	222,775	2	4½			
Reduction of the National Debt	-	-	-	10,904,450	13	0	32,123,278	7	3¾
II. The Interest on Exchequer Bills, (B.)	-	-	-	-	-	-	1,862,943	15	0½
III. The Civil List, (C.)	-	-	-	958,000	0	0			
IV. Other Charges on the Consolidated Fund, viz. Courts of Justice	-	-	-	67,424	17	11½			
Mint	-	-	-	14,183	7	6			
Allow. to Roy. Fam.	-	-	-	295,968	1	8½			
Sal. & Allowances	-	-	-	67,425	8	3½			
Bounties	-	-	-	202,737	4	3	1,606,038	19	8½
V. Civil Government of Scotland, (D)	-	-	-	-	-	-	90,954	15	9
VI. Other Payments in Anticipation, (E)									
Bounties for Fisheries, Manufactures, Corn, &c	-	-	-	601,104	9	10¾			
Pensions on the Hereditary Revenue	-	-	-	27,700	0	0			
Militia, and Deserters Warrants, &c.	-	-	-	160,950	2	3½	789,754	12	2¼
VII. Navy, (F.) Wages of Officers & Seamen	2,450,000	0	0						
Half Pay to Sea Officers and Bounty to Chaplains	215,000	0	0						
Wages to His Majesty's Dock and Rope Yards	1,016,500	0	0						
General Services.—Building of Ships, Purchase of Stores of every description, Repairing of Ships, Purchase of Ships taken from the Enemy, Head Money, &c.	3,689,908	3	8						
Bills of Exchange, Imprests, Salaries, Pensions, Flag-pay, Marines, &c.	2,420,000	0	0	9,791,408	3	8			
The Victualling Department	-	-	-	5,537,488	16	0			
Transport do for Transports, Prisoners of War, Sick & Wounded Seamen	3,571,139	18	10						
Miscellaneous Services	336,000	0	0	3,907,139	18	10	19,236,036	18	6
VIII. Ordnance (G.)	-	-	-	-	-	-	4,374,184	8	10
IX. Army, (H.)—Ordinary Services, viz.									
For Regulars, Fencibles, Militia, Invalids, and Volunteer Corps	11,156,830	2	11						
Barracks	330,605	8	6						
Staff Officers & Officers of Garrisons	213,218	17	6						
Half-pay	187,221	10	6						
Widows Pensions, &c.	54,777	0	0						
Chelsea Hospital	411,377	9	1						
Exchequer Fees	129,389	4	2						
Pay of Public Offices	107,621	7	3	12,591,040	19	11			
Extraordinary Services	-	-	-	5,872,054	0	0	18,463,094	19	11
X. Loans, Remittances, and Advances to other Countries, (I.) viz.									
Ireland	-	-	-	2,921,527	15	6½			
Sweden	-	-	-	300,000	0	0			
Sicily	-	-	-	300,000	0	0			
Portugal	-	-	-	600,000	0	0			
Austria	-	-	-	850,000	0	0	4,971,527	15	6½
XI. Miscellaneous Services: (K.)									
At Home	-	-	-	1,172,743	18	6½			
Abroad	-	-	-	286,690	6	0¼	1,459,434	4	7¼
Deduct Loan, &c for Ireland				2,921,527	15	6½			
Deduct for Interest, &c. on Portuguese Loan				28,432	16	8½	84,977,248	17	4¾
							2,949,960	12	3
£.							82,027,288	5	1¾

* This includes the Sum of 431,264. 5. 8¾ for Interest, &c. paid on Imperial Loans.

APPENDIX (A).—*Monies paid in the Year ended 5th Jan.* 1810, *towards the Charges of the* PUBLIC DEBT *of Great Britain, Ireland, Imperial and Portuguese Loans.*

	INTEREST.			Annuities for Lives and for Terms of Years.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Permanent Funded Debt of Great Britain....	17,928,469	4	1¼	1,096,572	7	0½	200,433	16	7¾
Loans raised for the Service of Ireland	1,437,919	2	1	92,607	5	11	18,128	16	1
Imperial Loans	197,051	16	1	230,000	0	0	4,212	9	7¾
Portuguese Loans	*13,432	16	8½	-	-	-	-	-	-
	19,576,872	18	11¾	1,419,179	12	11½	222,775	2	4½
							1,419,179	12	11½
Towards the Redemption of the Public Debt;							222,775	2	4
Annual Issue, per Act 26 Geo. III.				1,000,000	0	0			
Ditto.............. 42 Do..................................				200,000	0	0	21,218,827	14	3¾
Annuities for Terms of Years expired prior to 5th July 1802....				79,880	14	6			
Ditto....for Lives, on which the Nominees died prior to 5th July 1802, or that have been Unclaimed for 3 Years				51,277	16	10			
Interest on Debt of Great Britain redeemed				4,443,519	11	8			
Ditto............ Ireland .... do				174,882	6	6	10,874,620	3	1
Ditto............ Imperial......... do				28,027	3	11			
Ditto............ Portuguese .... do				-	-	-	32,093,447	17	4¾
£. 1 per cent. on part of Capitals created since 5th Jan. 1793....				3,700,832	8	9¾			
Part of the Annual Appropriation..............................				626,255	10	5			
£. 1 per cent. on capitals created by Loans for Ireland				518,251	10	5¼			
Ditto Imperial Loans				36,693	0	0			
Ditto Portuguese do				*15,000	0	0			

*13,432 16 8½, 15,000 0 0 = Repaid £. 28,000 16 8½

APPENDIX (A. 2.)—*Total Amount of the Sums actually received by the* COMMISSIONERS *for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1810.

GREAT BRITAIN,	£.	s.	d.	£.	s.	d.
Annual Issue, 26 Geo. 3. cap. 31.	1,000,000	0	0			
Ditto additional ditto, 42 Geo 3. c. 71.........................	200,000	0	0			
Exchequer Annuities for 99 and 96 Years expired 1792........	54,880	14	6			
Short Annuities 1777, expired 1787	25,000	0	0			
Annuities on Lives expired prior to 5th July 1802	21,111	16	1			
Annuities on Lives unclaimed for 3 Years before 5th Jan. 1809 .	30,166	0	9			
£. 1 per ct. on part of Capitals created by Loans from 1793 to 1809.	3,700,832	8	9¾			
Interest on Capitals purchased by the Commrs. at £. 3 per cent.	4,163,793	12	6			
.... Ditto ....£. 4 per cent.	213,104	0	0			
.... Ditto ....£. 5 per cent.	7,100	0	0			
Ditto on Capitals transferred for Life Annuities, at £. 3 per cent.	18,151	5	8			
Returned from Account of Life Annuities....................	55	11	3			
Paid into the Bank, a Legacy bequeathed by Admiral Rainier ...	11,488	18	0			
Ditto by J. Burgis, £. 200 Con. £. 3 per ct. Ann. valued at....	134	15	0			
Annual Appropriation towards Redemption of part of Loan 1807	626,255	10	5			
Interest on Capitals purchased on account of said Loan	59,521	19	2			
				10,131,596	12	1¾
Deduct, set apart from Sinking Fund for payment of Life Anns.	-	-	-	41,212	0	4
				10,090,384	11	9¾
IRELAND.						
£. per ct. on Capitals created by Loans raised from 1797 to 1809.	518,251	10	5¼			
Interest on Capital purchased at £. 3 per cent	174,882	6	6			
				693,133	16	11¼
IMPERIAL.						
£. 1 per cent. per ann. on Capital created by Loan 1797	36,693	0	0			
Interest on Capital purchased by the Commrs. at £. 3 per cent -	28,027	3	11			
				64,720	3	11
PORTUGAL.						
For Redemption of Reduced Anns. created by part of Loan 1809.	Repaid.			15,000	0	0
Applied to purchase of Stock, between Feb. 1809 & Feb. 1810.	-	-	-	10,863,238	12	8
Ditto to the payment of Life Annuities, as above	-	-	-	41,212	0	4
Gross Amount received and applied..................................				10,904,450	13	0

APPENDIX (B.)—*Interest paid on* EXCHEQUER BILLS, *from the 5th Jan.* 1809 *to the 5th Jan.* 1810.

Under what Acts issued.	On what Funds charged.	£.	s.	d.
44 Geo. III. cap. 16.	Malt Tax 1804	994	3	10
47 Ditto cap. 3.	Ditto 1807	8,562	13	11
Sess. 2. cap. 73.	Aids, 1808	4,984	18	8
48 Geo. III. cap. 2.	Malt, and Personal Estates, 1808	55,025	4	8
Ditto cap. 7.	Aids, 1808	569,365	16	1
Ditto cap. 53.	To be paid 6 months after Peace	90,000	0	0
Ditto cap. 54.	Ditto	75,000	0	0
Ditto cap. 97.	Aids, 1808	780,190	8	5
Ditto cap.114.	Ditto	241,655	19	7½
49 Geo. III. cap. 1.	Malt, and Personal Estates, 1809	37,164	9	10
		£.1,862,943	15	0½

APPENDIX(C.)—*Charge upon the* CONSOLIDATED FUND, *in the Year ended the 5th Jan.* 1810; *exclusive of the Interest of the* PUBLIC DEBT, *and of the Payments upon* EXCHEQUER BILLS.

CIVIL LIST.	£.	s.	d
For his Majesty's Household	898,000	0	0
Ditto per Act 44 Geo. 3	60,000	0	0
COURTS OF JUSTICE.			
Judges of England and Wales	13,050	0	0
Inspector of temporary places of confinement for Felons	350	0	0
Receiver of Thames Police Office-	6,037	12	9
Receiver of Seven Public Offices-	17,199	13	0
Chief Justices of the Admiralty Courts at Bahama, Nova Scotia, Malta, Bermudas, Jamaica, and Barbadoes	11,000	10	9
Acting-Judge at Barbadoes	800	14	9
Judges of England; Deficiencies of Salary	10,386	17	5½
Judges of Wales; addit. Salary	1,600	0	0
Sheriffs of England and Wales	4,000	0	0
Keeper of the Hanaper	3,000	0	0
MINT.			
The Master of in England	10,350	0	0
.... Ditto .... Scotland	1,200	0	0
Receiver of Fees in the Office of the Mint	2,933	7	6
SALARIES & ALLOWANCES.			
Speaker of the H. of C. to complete his Allowance	1,728	6	6
Marquis of Bute, late one of the Auditors of the Imprest	7,000	0	0
P. Deare, esq. late Deputy do	300	0	0
E. Roberts, esq. on £.650 formerly paid to the Auditor of the Exchequer	650	0	0
Commissioners for Auditing the Public Accounts	11,663	14	8½
Salaries and Contingencies in the Office of Ditto	34,335	18	9
Inspector of Tontine Certificates-	500	0	0
Chief Cashier of the Bank for fees-	945	17	0
Commissioners for auditing the West India Accounts	3,500	0	0
Salaries and Contingencies in the Office of Ditto	6,801	11	4
PENSIONS.			
Arthur Onslow, esq.	3,000	0	0
Earl of Chatham	4,000	0	0
Lord Heathfield	1,500	0	0
Lord Rodney	2,000	0	0
Lord Rodney	993	1	6
Lady Dorchester	1,000	0	0
John Penn, esq.	3,000	0	0
Richard Penn, esq.	1,000	0	0
His R. H. the Prince of Wales	65,000	0	0
Ditto the Duke of York	14,000	0	0
Ditto............Clarence	12,000	0	0
Ditto............Ditto	6,000	0	0
Ditto............Kent	12,000	0	0
Ditto............Ditto	6,000	0	0
Ditto............Cumberland	12,000	0	0
Ditto............Ditto	6,000	0	0
Ditto............Sussex	12,000	0	0
Ditto............Ditto	6,000	0	0
Ditto............Cambridge	12,000	0	0
Ditto............Ditto	6,000	0	0
Princess Charlotte of Wales	7,000	0	0
Duchess of York	4,000	0	0
Duchess of Brunswick	10,000	0	0
Duke of Gloucester	14,000	0	0
Princess Sophia of Gloucester	7,000	0	0
Earl St. Vincent	2,000	0	0
Viscount Duncan	2,000	0	0
Duke of Richmond	11,083	6	8
Sir Beaumont Hotham, knt.	2,000	0	0
Lord Erskine	4,000	0	0
Sir Sydney Smith	1,000	0	0
Baroness Abercrombie	2,000	0	0
Lord Hutchinson	2,000	0	0
Sir James Saumarez, Bart	1,200	0	0
For the Prince of Orange	16,000	0	0
For Lord Amherst	3,000	0	0
The Duke of Atholl	3,681	13	6½
Earl Nelson	5,000	0	0
Lady Nelson	2,000	0	0
Sir Richard Strachan, Bart.	1,000	0	0
Lord Collingwood	2,000	0	0
Sir J. T. Duckworth	1,000	0	0
The Duke of Grafton	4,580	0	0
Sir John Stuart	1,000	0	0
Lord Lake	2,000	0	0
BOUNTIES.			
For Hemp and Flax in Scotland	2,956	13	8
Commissioners appointed to pay Compensations to Persons suffering by the Dock Act	186,214	0	1
To them, more, to reimburse Fees calculated short	566	10	6
Salaries and Contingencies in their Office	13,000	0	0
	£ 1,606,038	19	8½

APPENDIX (D.)—*A List of all such Sum and Sums of Money as have been incurred, and become due upon His Majesty's Establishment for* CIVIL AFFAIRS *within* SCOTLAND, *bearing Date the* 19*th Day of June* 1761, *for one Year; from* 5*th Jan.* 1809 *inclusive, to* 5*th Jan.* 1810 *exclusive* ……………………………… £. 90,954 15 9¾

APPENDIX (E. 1.)—*Amount of* BOUNTIES *paid in England and Scotland out of the Revenues of Customs and Excise, between the* 5*th Jan.* 1809 *and the* 5*th Jan.* 1810; *being Payments in the nature of Anticipations of Exchequer Issues.*

	ENGLAND.			SCOTLAND.			GREAT BRITAIN.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS.									
Bounties on Cotton and Linen Manufactures, &c. ………… ……British and Southern Whale Fishery. ……Newfoundland and White Herring do	481,609	4	5¾	94,472	13	9	576,081	18	2¾
EXCISE.									
Bounties on British Spirits …………… ……on Fish …………………… Buss and Barrel Bounties, certified on the Excise for Deficiency of Money in the hands of the Receiver General of the Customs ..	12,242	7	7	12,780	4	1	25,022	11	8
	493,851	12	0¾	107,252	17	10	601,104	9	10¾

APPENDIX (E. 2.)—POST OFFICE.—*Pensions and Parliamentary* GRANTS, *for the Year ended* 5*th Jan.* 1810.

His Grace the Duke of Marlborough ………………	£. 5,000
His Grace the Duke of Grafton ………………	4,700
The Heirs of the late Duke of Schomberg ………………	4,000
	£. 13,700

APPENDIX (E. 3.)—EXCISE.—*An Account, shewing how the* PUBLIC MONIES *remaining in the Receipt of the Exchequer on the* 5*th Jan.* 1809, *together with the Monies paid into the same during the Year ending* 5*th Jan.* 1810, *and the Monies paid out of the Net Produce of the Revenues of the said Year in Anticipation of the Exchequer Receipt, have been actually applied; so far as regards the Receipt of the Excise in England, and can be ascertained at the Excise Office.*

		£.	s.	d.	
PENSIONS, viz.					
	Duke of Grafton ………………………………	9,000	0	0	
	Earl Cowper ………………………………	2,000	0	0	
	Charles Boone, Esq. Moiety of the Earl of Bath's ….	1,500	0	0	
	Lord Melbourne's …. Ditto ………………	1,500	0	0	
BOUNTIES.					
	Salted Provisions ………………………………	12,242	7	7	included in App. E. 1.
		£. 26,242	7	7	

APPENDIX (E. 4).—*Sums advanced by Receivers General of Land and Assessed Taxes, on Account of* MILITIA, *and* DESERTERS WARRANTS, *and other Disbursements under various Acts of Parliament; between the* 5*th Jan.* 1809 *and the* 5*th Jan.* 1810.

	ENGLAND & WALES			SCOTLAND.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Militia and Deserters warrants ………………	58,886	8	4¾	7,102	9	1	65,988	17	5¾
Volunteers ………………………………	57,796	12	4	10,667	7	8	68,464	0	0
Defence Acts ………………………………	4,096	18	5	27	15	11	4,124	14	4
Army of Reserve ………………………………	20,689	12	3	1,692	18	2¾	22,382	10	5¾
	141,469	11	4¾	19,490	10	10¾	160,950	2	3½

APPENDIX (F.)—*Monies received from His Majesty's Exchequer, for* NAVAL SERVICES *between the 5th Jan.* 1809 *and the 5th Jan.* 1810.

HEADS OF SERVICE.	SUM.			TOTAL.		
NAVY.						
WAGES.	£.	s.	d.			
Wages of Officers and Seamen	2,450,000	0	0			
Half Pay to Sea Officers, and Bounty to Chaplains	215,000	0	0			
Wages to His Majesty's Dock and Rope Yards	1,016,500	0	0			
GENERAL SERVICES.						
For General Services, viz. Bills of Exchange, Imprests, Salaries, Pensions, Marines, &c.	2,420,000	0	0			
Building of Ships, purchase of Stores of every Description, repairing Ships, purchase of Ships taken from the Enemy, Head Money, &c. paid in Bills at Ninety Days Date	3,689,908	3	8			
				9,791,408	3	8
VICTUALLING.						
Provisions, and all sorts of Victualling Stores, paid for in Bills at Ninety Days Date	4,405,088	16	0			
Wages to the Yards	67,400	0	0			
Bills of Exchange and Imprests	921,000	0	0			
General Services, viz. Necessary and Extra Necessary Money and Contingencies	144,000	0	0			
				5,537,488	16	0
TRANSPORTS.						
Freight of Transports, Maintenance of Prisoners of War, and Expence of Sick and Wounded Seamen, paid for in Bills at Ninety Days Date	3,571,139	18	10			
Bills of Exchange, and all Services paid for in ready Money	336,000	0	0			
				3,907,139	18	10
			£.	19,236,036	18	6

APPENDIX (G.)—*Monies paid by the Office of* ORDNANCE *in the Year* 1809, *for Services at Home and Abroad respectively.*

	£.	s.	d.
For Services at Home	4,038,529	1	0
For Services Abroad	335,655	7	10
	4,374,184	8	10

APPENDIX (H.)—*Monies paid by the Right Honourable the Paymasters General of his Majesty's* FORCES, *from 25th Dec.* 1808, *to 24th Dec.* 1809.

	£.	£.	s.	d.
PAY and Allowances of the Forces, Captains Allowances, Off-reckonings, Recruiting, Contingencies, Bills, and Clothing		10,775,830	2	11
Volunteers		381,000	0	0
Exchequer Fees		129,389	4	2
Pay of Offices		107,621	7	3
Barracks		330,605	8	6
Staff and Garrisons		213,218	17	6
Half Pay		187,221	10	6
Compassionate List		13,277	0	0
Widows Pensions		41,500	0	0
Chelsea Hospital		411,377	9	1
Extraordinaries, including Advances to Austria	250,000	6,122,054	0	0
Do. Austrian Government	600,000	600,000	0	0
Total to Austria	850,000			
Swedish Subsidy	300,000	300,000	0	0
Sicilian Ditto	300,000	300,000	0	0
	*1,450,000	19,913,094	19	11
* Deduct the Amount of the four Sums above, the same being included in the Account under the Head of Loans, Remittances, and Advances, &c. Appendix (I.)		1,450,000	0	0
		18,463,094	19	11

APPENDIX (I.)—*An Account of* LOANS, REMITTANCES *and* ADVANCES, *to other Countries, in the Year ending the 5th Day of Jan.* 1810.

	£.	s.	d.	£.	s.	d.
There was remitted out of Supplies 1808 and 1809, to that part of the United Kingdom called Ireland, viz.						
Out of Loans Anno 1808, and 1809, per Act 48 and 49 Geo. 3.	2,775,000	0	0			
Out of Lotteries 1808, per Act 48 Geo. 3. cap. 139.	146,527	15	6½			
				2,921,527	15	6½
There was also issued out of Supplies 1809, viz.						
To enable His Majesty to fulfil his Engagements with his Sicilian Majesty (in part of £. 400,000).	300,000	0	0			
Ditto........to make good Advances to Sweden.	300,000	0	0			
Advanced as a Loan to the Prince Regent of Portugal	600,000	0	0			
For Payment of Bills and Advances on account of the Austrian Government	850,000	0	0			
				2,050,000	0	0
				4,971,527	15	6½

APPENDIX (K.)—*An Account, shewing how the Monies remaining in the Receipt of the* EXCHEQUER *on the 5th day of Jan.* 1809, *together with the Monies paid into the same during the Year ended the 5th day of Jan.* 1810, *have been actually applied; so far as relates to* MISCELLANEOUS SERVICES

SERVICES AT HOME.	£.	s.	d.
To be paid to Sheriffs for conviction of Felons, and Overpayments 1807,9	6,200	0	0
For defraying the Charge of the Royal Military College 1808,9	16,500	0	0
Ditto.......................Royal Military Asylum 1808,9	21,408	9	3
For defraying the Charge of the Public Office, Bow Street 1808,9	11,191	19	4½
For defraying the Charge of the Superintendance of Aliens 1808,9	7,548	12	6
For the Relief of the suffering Clergy and Laity of France, Toulonese, Dutch, and Corsican Emigrants, Saint Domingo Sufferers, and American Loyalists 1808,9	166,168	15	4
For the Expence of carrying on the Works of the Royal Military Canal 1808	38,393	6	0
For confining, maintaining and employing Convicts at Home 1808,9	49,820	9	4
For defraying Bills of the Usher of the Court of Exchequer for supplying the Court and Officers with Stationary, &c. 1808,9	1,942	10	10
For Printing and Stationary for two Houses of Parliament 1808,9	49,603	19	2
For printing and delivering the Votes of the House of Commons, and for printing Bills, Reports, &c. 1808,9	42,080	16	8
For defraying the Charge of the Works and Repairs of the Roads and Bridges in the Highlands of Scotland 1808	10,250	14	0
For printing 1,750 Copies of 60th Volume of Journals of the House of Commons 1808	3,191	19	0
For defraying Law Charges 1808,9	15,000	0	0
Towards Repairs of Henry the VIIth's Chapel 1808	1,000	0	0
For re-printing Journals, Indexes, and Reports of the House of Commons 1809	9,391	9	3
For carrying on the building of a new Mint 1808,9	33,887	12	9
For Bounties for taking and bringing Fish to the Cities of London and Westminster 1808	2,500	0	0
For the Expence of making an Inland Navigation from the Eastern to the Western Sea 1808	26,250	14	0
For Works done at the two Houses of Parliament and Speaker's House 1808	12,100	0	0
For do...............do........ at the Speaker's House 1808	8,960	0	0
For extra Contingencies of the three Secretaries of States Offices 1808,9	16,500	0	0
Do........Messengers........do. 1808,9	6,500	0	0
For defraying the Extraordinary Expences of Prosecutions relating to the Coin of this Kingdom 1808,9	3,500	0	0
To the Ministers of the Vaudois Churches, et al. 1808,9	1,328	5	4
For the relief of the Sufferers by Fire at Roseau, Dominica 1808	49,996	9	0
For the Protestant Dissenting Ministers in England, and for the Relief of the Poor French Protestant Clergy and Laity 1808,9	8,965	14	0
Towards erecting the Military College at Sandhurst 1808	8,000	0	0
To replace to His Majesty's Civil List Revenues the Sums issued thereout, pursuant to Addresses of the House of Commons, viz.			
To John Caley, Esq. to be by him paid as Rewards to Persons employed under the Commissioners for carrying into execution the Measures recommended by the House of Commons respecting the Public Records of the Kingdom	6,438	7	1¼

Jeremiah Dyson, Esq. Clerk Assistant to the House of Commons, to make up his Allowance equal to £.2,000 for his Services during Session 1808	1,030	10	4
Edward Colman, Esq. late Serjeant at Arms attending the House of Commons, for his Arrears of Pension, One Year and a Quarter, to 5th January 1809	625	0	0
Henry Hase, Esq. for defraying the Expences of completing the new Buildings at the British Museum	5,270	0	0
Henry Gunnell, Esq. for Compensation to sundry Officers of the House of Commons for their attendance on Public Committees of that House	670	16	4
George Whittam, Esq. for making and printing an Index to the Votes of the House of Commons in Session 1808	350	0	0
John Clementson, Esq. Deputy Serjeant at Arms to the House of Commons, to make up his Allowance equal to £.500 for Session 1808	224	11	0
John Henry Ley, Esq. second Clerk Assistant to the House of Commons for his Services during Session 1808	1,622	19	0
George Smith, Esq. Treasurer of the Board of Agriculture, for enabling the Board to complete their Reports	1,500	0	0
Richard Westmacott, Statuary, being the last Instalment due to him under a Contract for erecting a Monument to the Memory of the late Lieutenant-General Sir Ralph Abercrombie	2,216	19	0
John Flaxman, Statuary, being the second Instalment due to him under a Contract for erecting a Monument to the Memory of Earl Howe, in the Cathedral Church of Saint Paul's, London	2,216	19	0

To make good to His Majesty's Civil List Revenues Monies issued thereout for Public Services, viz.

To James Reid, Esq. towards defraying the Expences of a Plan for the Establishment of a Horse Patrol, for the better security of the Public Roads leading to the Metropolis	6,345	16	0
To William Mellish, Esq. to be by him applied towards providing a supply of Provisions, and other Articles of the first necessity for the relief of the Inhabitants of the Danish Settlements in Davis's Streights, and to be distributed amongst them in exchange for Oil and other Articles which may have been provided by them to be sent to this Country	5,265	19	0
To the Magistrates of the Thames Police Office, for the Expences incurred in carrying into effect a Plan for the better Security of the Shipping in the Port of London	1,299	4	0
To Thomas Nicholas Wittwer, Esq. for Allowances for examining Accounts between the East India Company and Government, for 3 years to the 7th September 1808	1,333	9	0
To John Clementson, Esq. Deputy Serjeant at Arms attending the House of Commons, for one year's rent of an House in lieu of the Apartments he resigned at the House of Commons	219	14	0
To John France, Esq. for his Trouble and Assistance in making an Index to the Rolls of Parliament	439	13	0
To Thomas Brodie, Esq. being his Arrears of Salary for forming Indexes to the Journals of the House of Lords from 5th of July 1805 to 5th July 1808	1,623	0	0
To Thomas Brodie, Esq. for Salaries, and other Incidental Expences for forming Indexes to the Journals of the House of Lords since 5th July 1808	1,192	14	0
To William Chinnery, Esq. to pay Bounty on British American Salt Fish imported into the Island of Nevis from Halifax	98	1	3
To John Henry Ley, Esq. second Clerk Assistant of the House of Commons, to reimburse him the duty of one Shilling in the Pound on the Sum of £.1,500 issued to him for his Services during Session 1808	76	13	6
To certain Officers of the House of Commons, to complete their Salaries, Allowances and Expences for their Services during the Session 1808	3,409	14	8
To Peter Grant, Esq. Secretary to the Commissioners of Military Enquiry, for defraying the Expences of the said Commissioners in carrying the Act into execution	745	8	6
To William Chinnery, Esq. to enable him to pay for sundry Articles sent out to New South Wales, in the Ship "Duke of Portland," partly for the use of Convicts and partly for Barter	1,848	9	5
To William Chinnery, Esq. to pay a Bill on account of Convicts for 3 Months, dated 31st December 1808	2,315	0	1¼
To Dr. William Heberden, to defray the Expences of the National Vaccine Establishment	3,163	8	6
To William Chinnery, Esq. to enable him to pay Bills drawn from New South Wales, which became due in the Year 1809	6,172	12	2
To William Chinnery, Esq. to defray the Expences of Stores supplied to Mr. Palmer, Commissary at Sydney, New South Wales	114	18	1
To the Reverend Thomas Brooke Clarke, for his trouble relative to an Act for enforcing the Residence of the Clergy	556	13	0
To William Mellish, Esq. to defray the Expences of the Cost, Outfit, and Cargo of the Vessel "North Star," with Supplies for the Faroe Islands	1,550	0	0
To Lord Walsingham, for his Attendance as Chairman of the Committee of the House of Peers, during the Year 1808	2,698	13	0

To W. Watson, Esq. for his attendance as Serjeant at Arms to the House of Peers during the Year 1808	1,623	0	0
To Thomas Telford, Esq. for his Trouble in making Surveys of Roads and Bridges in Scotland, and Expences incidental thereto	506	1	6
To the Officers and Clerks of the Tally Court in the Exchequer, for levying Tallies, from 5th January 1805 to 5th July 1808	7,422	12	0
For paying off and discharging certain Annuities after the rate of £. 5 per cent. being part of the Annuities granted by two Acts of the 37th and 42d Years of His present Majesty 1809	60,866	17	3
For paying the Fees on passing the Public Accounts 1809	5,000	0	0
For Salaries and Allowances to the Officers of the Houses of Lords and Commons and Serjeants at Arms 1809	5,328	8	9½
For the deficiency of the Grant of 1808, for printing and delivering the Votes of the House of Commons, and for printing Bills, Reports, &c. 1809	1,641	19	0
To the Trustees of the British Museum, to carry on the Trusts reposed in them by Parliament 1809	7,639	17	2
For the deficiency of the Grant of 1808, for the Protestant Dissenting Ministers in England, and for the relief of the poor French Protestant Clergy and Laity 1809	743	12	0
For purchasing Buildings and Ground in and near Palace Yard, Westminster 1809	20,000	0	0
To Dr. Edmund Cartwright, in compensation for the great Expence he has incurred in the discovery and application of various mechanical inventions, by which he has rendered essential Services to the Manufacturers of this Country 1809	10,000	0	0
For erecting Buildings for a Naval Asylum, and towards the maintenance of the said Institution 1809	35,000	0	0
For printing 1,250 Copies of 36th and 37th Volumes of Journals of the House of Peers 1809	3,057	1	[illegible]
To the Governors of the Bounty of Queen Anne, in augmentation of the maintenance of the poor Clergy 1809	100,000	0	0
For Compensation to the Commissioners appointed by Act 39 and 40 Geo. 3. for the better preservation of Timber in, and for ascertaining the Boundaries of the New Forest in the County of Southampton 1809	4,500	0	0
For Works and Repairs of the Military Roads in North Britain 1809	5,569	0	0
For the purchase of £.211,111. 2. 3. £.3 per cent. Consolidated Annuities in the names of certain Trustees, producing £.6,333. 6. 8. annually, being one-third part of the Annuity of £.19,000 granted to the Duke of Richmond out of the Consolidated Fund per Act 39 and 40 Geo. 3. cap. 43	146,194	14	0
For Salaries and Expences of the American Commissioners 1809	2,000	0	0
To the chief Clerk in the Office of Auditor of the Exchequer, for his extra Trouble in preparing Exchequer Bills, in pursuance of the Act 48 Geo. 3. cap. 1	500	0	0
For Salaries to the Officers, and incidental Expences of the Commissioners for reducing the National Debt 1809	5,000	0	0
To the Bank of England, for Discount on Prompt Payments on 1st, 2d, and 3d Lotteries 1808	3,532	5	4
To........Do........for receiving Contributions to Ditto 1808	3,000	0	0
To the Bank of England, for Discount on prompt Payment on Loan £.10,500,000 1808	25,931	1	6
To ditto, for receiving the above Loan 1808	8,400	0	0
To the Lottery Commissioners, for Rewards and incidental Expences in preparing and drawing the Lotteries 1807, 8, and 9	16,850	0	0
For incidental Expences attending the Execution of an Act for the Redemption and Sale of the Land Tax	1,620	9	7

SERVICES ABROAD.

For His Majesty's Foreign and other Secret Services	1808,9	177,534	16	0
To pay Bills drawn from New South Wales	1808,9	18,341	0	0
For the Civil Establishment of Sierra Leone	1809	17,360	0	0
Upper Canada	do.	8,430	0	0
New Brunswick	do.	5,500	0	0
Nova Scotia	do.	8,165	0	0
St. John's	do.	3,100	0	0
Cape Breton	do.	2,060	0	0
New South Wales	do.	15,134	10	0¾
Dominica	1808,9	600	0	0
Bermudas	1808,9	580	0	0
Bahamas	do.	4,900	0	0
Newfoundland	1808	1,985	0	0
For repairing, maintaining, and supporting the British Forts and Settlements on the Coast of Africa 1809		23,000	0	0
		£.1,459,434	4	7¾

VI.—PUBLIC FUNDED DEBT.

Progress made in the Redemption of the Public Debt *of* Ireland, *Funded in* Great Britain, *at 1st February* 1810.

FUNDS.	CAPITALS.	Redeemed by the Commissioners at 1st Feb. 1810.	TOTAL SUMS paid.			Average Price of Stocks.	SUMS annually applicable to the Reduction of the DEBT.			
	£.	£.	£.	s.	d.			£.	s.	d.
Consolidated 3 per cent. Annuities	30,238,875	3,180,211	2,002,057	3	4	63	Annuity of 1 per cent. on Capitals created	545,769	4	0¾
Reduced do	17,828,750	3,413,755	2,135,184	5	4	62½				
Consolidated 4 per cent. do........	5,054,375						Dividend on £. 6,953,966 3 per cent. Annuities --	197,818	19	7
Do 5 per cent do -	572,000									
	53,694,000	6,593,966	4,137,241	8	8	62¾		743,588	3	7¾
Redeemed by the Commissioners -	6,593,966									
DEBT Unredeemed 1st. Feb. 1810	47,100,034						Bank Long Annuities which will expire 5th July 1860...	104,458	6	8

Progress made in the Redemption of the Imperial Debt, *at 1st February* 1810.

	£.	£.	£.	s.	d.			£.	s.	d.
Imperial 3 per cent Annuities	7,502,633	1,020,525	611,745	14	9	60	1 per cent. on Capital created	36,693	0	0
Redeemed by the Commissioners -	1,020,525						Dividend on £. 1,020,525 3 per cent. Annuities --	30,615	15	0
Unredeemed at 1st February 1810. -	6,482,108							67,308	15	0
							Bank Long Annuities which will expire 5th July 1860....	230,000	0	0

Progress made in the Redemption of the Portuguese Debt, *at the 1st February* 1810.

	£.	£.	£.	s.	d.			£.	s.	d.
Reduced 3 per ct. Annuities	895,922	21,662	15,000	0	0	69½	Annual Appropriation	30,000	0	0
Redeemed by the Commissioners -	21,662						Dividend on £. 21,662 3 per cent. Annuities..	649	17	2
Unredeemed at 1st February 1810. -	873,860							30,649	17	2

An Account of the Progress made in the Redemption *of the* Public Funded Debt *of* Great Britain, *at First of February* 1810.

FUNDS.	CAPITALS. £.	s.	d	Redeemed by the Commissioners from 1st August 1786 to 1st Feb. 1810. £.	TOTAL SUMS Paid. £.	s.	d.	Average Price of Stocks
Consol. 3 per Cent. Anns.	384,336,558	4	5¼	65,154,169	40,537,630	5	10	62¼
....Do. pro 1807	8,400,000	0	0	1,240,620	818,988	12	2	66
Reduced 3 per Cent. Ann. .	156,348,522	0	1	72,802,703	44,931,657	4	5	61¾
....Do. pro 1807	8,400,000	0	0	1,496,744	993,741	12	8	66⅜
Old South Sea Annuities .	24,065,084	13	11½	,450,000	3,118,092	13	9	70⅛
New....Do				3,296,000	2,322,440	1	9	70½
3 per Cent.....Do. 1751 ..	1,919,600	0	0	831,000	599,426	15	0	72⅛
Consol. 4 per Cent. Ann. ..	66,076,984	17	2	6,629,700	5,601,280	18	9	84½
..Do...5 per Cent. do.	57,085,740	16	4	142,000	126,998	7	6	89¼
..Do...pro 1807	1,272,000	0	0	—	—			
5 per Cent. Annuities 1797 & 1602	1,855,480	0	9	—	—			
3 per Cent.....do. 1726....	1,000,000	0	0	—	—			
.....Do.....Bank Ann.	11,686,800	0	0	—	—			
£.	722,446,770	12	8¾	156,042,936	99,050,256	11	10	
Transferred to the Commissioners by reason of Land Tax Redeemed	23,421,468	9	1					
	699,025,302	3	7¾					
....Do....for the Purchase of Life Annuities pursuant to Act 48th Geo. 3.	1,024,512	0	0					
	698,000,790	3	7¾					
Redeemed by the Commissioners	156,042,936	0	0					
DEBT Unredeemed at 1st **February 1810**	541,957,854	3	7¾					

SUMS Annually applicable to the Reduction of the NATIONAL DEBT.	£.	s.	d.
Annual Charge, per 26 Geo.3	1,000,000	0	0
....Do.....42 do.	200,000	0	0
Anns. for 99 & 96 Y. exp. 1792	54,880	14	6
Do. for 10 Years..do. 1807 .	25,000	0	0
Life Annuities Unclaimed for 3 Years, or of which the Nominees shall have died prior to 5 July 1802 .	52,269	15	7
Dividend on £.146,533,872, at 3 per Cent.	4,396,016	3	2
....Do. .. on £ 6,629,700, at 4 per Cent.	265,188	0	0
....Do. on £.142,000 Navy, at 5 per Cent.	7,100	0	0
Annuity of 1 per Cent. on part of Capitals created since 1st February 1793..	3,841,567	13	11
Annual Amount payable for Reduction of £.12,000,000 pro 1807	626,255	10	5
Dividend on £.2,737,364, 3 per cent on Acc. of do	82,120	18	4
Dividend on £.1,024,512 transferred for Purchase of Life Annuities, 3 per ct. .	30,735	7	2
	10,581,134	3	1
Deduct Life Annuities granted on £.1,024,512 transferred to the Commissioners .	71,742	0	0
	10,509,392	3	1

ANNUITIES Fallen in since the 22d June 1802, or that will fall in hereafter.	£.	s.	d.
Exchequer Annuities, 2d and 3d Anne; expired 5th April 1803........	23,369	13	4
Do. .. do. 5th Jan. 1805 .	7,030	6	8
Do. 4 Anne do. 5th April 1805	23,254	11	6
Do. 5 Anne do. 5th April 1806	7,776	10	0
Do. 6 Anne do. 5th April 1807	4,710	10	0
Do. 6 Anne do. 5th July 1807	10,181	0	0
Bank Short Anns. do. 5th January 1808	418,333	0	11
Do. Long do. as will expire 5th July 1860	1,098,727	12	0½

By an Act 42 Geo. III. cap. 71 such Annuities as fall in after passing that Act are not to be placed to the Account of the Commissioners for the Reduction of the National Debt; but are no longer to be continued in the Annual Charge thereof.

VI.—PUBLIC FUNDED DEBT.

PUBLIC FUNDED DEBT OF GREAT BRITAIN, *as the same stood on the 1st of February* 1810.

TOTAL DEBT UNREDEEMED.		£.	s.	d.
Bank of England and Annuities 1726	At 3 per cent	12,686,800	0	0
South Sea Old and New Annuities, 1751	Ditto	17,407,684	13	11½
Consolidated Annuities	Do.	346,973,276	14	1¼
Reduced Annuities	Do.	94,201,214	15	9
Consolidated Annuities	At 4 per cent	64,881,996	2	2
Consolidated Annuities	At 5 per cent	58,407,404	11	4
Annuities, 1797 and 1802	Do.	1,855,480	0	9
Total CAPITALS		596,413,856	18	0
Annual Interest		19,746,493	7	0½
Annuities for Lives, or for Terms of Years		1,498,757	19	1¼
Charges of Management		225,639	11	9
Annuities fallen in, or dead, and 1 per cent. on Annual Grants		11,399,718	11	5
Total CHARGE for DEBT payable in GREAT BRITAIN		32,870,608	9	4¼

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1810.

EXCHEQUER BILLS: Under what Acts issued.	On what Funds charged.	Amount Outstanding.					
48 Geo. III. cap. 3.	Aids, &c. - Bank	£.3,000,000	0	0			
Ditto cap. 53.	Do. - Do.	3,000,000	0	0			
Ditto cap.114.	Aids, Anno 1809	320,000	0	0			
49 Geo. III. cap. 1.	Malt and Personal Estates 1809	98,000	0	0			
Ditto cap. 2.	Aids, Anno 1810	10,500,000	0	0			
Ditto cap. 93.	Aids, Anno 1809	15,000,000	0	0			
Ditto cap. 3.	Aids, Anno 1810	1,500,000	0	0			
Ditto cap. 52.	Aids, Anno 1810	5,341,900	0	0			
Ditto cap.114.	Aids, Anno 1810	404,200	0	0			
					39,164,100	0	0
TREASURY:							
Miscellaneous Services		406,846	14	3¾			
Warrants for Army Services		33,823	12	3½			
Treasury Bills accepted previous to and on the 5th Jan. 1810. due subsequent to that day		452,386	13	3			
					893,056	19	10¼
ARMY:							
Ordinary Services		952,193	12	6			
Extraordinary Services		Nil.					
					952,198	12	6
Barracks		-	-	-	432,810	6	4
Ordnance		-	-	-	1,015,360	8	3
Navy		-	-	-	8,263,175	0	6
Civil List Advances		-	-	-	59,924	6	9¾
					50,780,625	14	3

VIII.—DISPOSITION OF GRANTS.

An Account, shewing how the MONIES, *given for the* SERVICE *of the Year* 1809, *have been disposed of; so far as relates to* GREAT BRITAIN.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.			Remains to be Paid.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Navy	18,986,967	13	9	18,986,967	13	9			
Ordnance	5,275,298	6	3	5,275,298	6	3			
Forces	17,459,988	17	9	17,459,938	17	9			
To the Emperor of Austria, &c. and to the People of Spain and Portugal	3,000,000	0	0	3,000,000	0	0			
To his Sicilian Majesty, for the Year 1809.	400,000	0	0	375,000	0	0	25,000	0	0
To Advances made to the King of Sweden.	300,000	0	0	300,000	0	0			
To make good the like Sum, issued by his Majesty's Orders, pursuant to Addresses of the House of Commons, and which has not been made good by Parliament.	22,166	1	9½	22,166	1	9½			
Civil Establishments	26,978,213	4	7	26,765,551	0	0¾	212,662	4	6¼
To make good the Deficiency of the Malt Duty granted for the Service of the Year 1807, at Lady Day 1809	366,211	1	9	366,211	1	9			
£.	48,526,579	4	10¼	48,288,917	0	4	237,662	4	6¼

Payments for other Services, not being part of the Supplies granted for the Service of the Year .... £.298,672 7 3½

WAYS *and* MEANS *for answering the foregoing* SERVICES.

	£.	s.	d.
Duties on Malt, Sugar, Tobacco, and Snuff, and on Pensions, Offices, &c. continued	3,000,000	0	0
Estimated Surplus of Consolidated Fund to 5th April 1810	4,000,000	0	0
Surplus Ways and Means, 1808	2,757,352	3	4¼
War Taxes	19,000,000	0	0
Estimated Profits on Lotteries, 1809	300,000	0	0
Excess of Exchequer Bills, granted per Act 49 Geo. 3. cap. 2. after reserving sufficient to pay off £7,345,200, issued per Act 48 Geo. 3. cap. 7. the Remainder having been funded pursuant to Act 49 Geo. 3. cap. 21	3,154,800	0	0
Excess of Do. granted per Act 49 Geo. 3. cap 93. after reserving sufficient to pay off £.4,644,100, issued per Act 48 Geo. 3. cap 114. the Remainder having been funded pursuant to Act 49 Geo. 3. cap. 21	1,355,900	0	0
Exchequer Bills on Vote of Credit	3,000,000	0	0
Loan, (Part of £.14,600,000.) being for the Service of Ireland, and £.600,000 for his Royal Highness the Prince Regent of Portugal	11,000,000	0	0
Interest on Land Tax Redeemed	214	13	10
	47,568,266	17	2¼
Total Sum granted, as per preceding Account	48,526,579	4	10¼
Sums paid for Services not voted, as per Do.	298,672	7	3½
	48,825,251	12	1¾
Amount of Ways and Means, as per Do	47,568,266	17	2¼
Deficiency of Ways and Means	1,256,984	14	11½

FINANCE ACCOUNTS OF IRELAND,

FOR THE

YEAR ENDED FIFTH OF JANUARY, 1810.

I.—PUBLIC

HEADS OF REVENUE.	Gross Receipt within the Year. £.	s.	d.	Total Receipt to be Accounted for. £.	s.	d.	Re-payments, Drawbacks, Discounts, &c. £.	s.	d.	Charges of Management. £.	s.	d.
Ordinary Revenue.												
Customs	3,011,798	2	8¼	3,208,770	14	5	123,030	13	5¼	392,952	18	8½
Excise	1,485,876	7	7⅜	2,282,277	6	5	32,197	4	8¼	255,229	4	9¾
Stamps	703,593	0	10½	818,468	19	9¾	39,563	10	1	46,784	14	7½
Post Office	180,670	16	9½	207,258	13	3½	16,721	9	2	93,343	11	2½
Poundage Fees	25,611	4	1¼	25,611	4	1¼	-	-	-	-	-	-
Pells Fees	5,122	4	10¾	5,122	4	10¾	-	-	-	-	-	-
Casualties	4,043	18	6	4,043	18	6	-	-	-	-	-	-
Total Ordinary Revenue	5,416,715	15	5⅝	6,551,552	18	5⅞	211,512	17	4½	783,310	9	4¼
Extraordinary Resources.												
Gain by Exchange on Sums received from Great Britain	2,838	4	2	2,838	4	2	-	-	-	-	-	-
From the Commissioners of the Navy on account of Advances made by several Collectors in Ireland, for Seamen's Wages, &c.	46,730	15	0½	46,730	15	0½	-	-	-	-	-	-
Paymasters General on account of Advances made by several Collectors in Ireland, &c.	1,192	17	11¼	1,192	17	11¼	-	-	-	-	-	-
Great Britain, on account of the Profit of Lotteries of 1808	158,738	8	5½	158,738	8	5½	-	-	-	-	-	-
County Treasurers, paid to several Revenue Collectors.	1,410	17	11	21,669	6	7	-	-	-	-	-	-
County Treasurers, paid to several Revenue Collectors, on account of Deficiencies.	120	0	0	1,375	7	0½	-	-	-	-	-	-
Other Monies paid to the Public	31,032	15	11¼	31,032	15	11¼	-	-	-	-	-	-
Appropriated Duties for Local Objects.												
Linnen Manufacture	1,749	8	11½	1,813	1	10	-	-	-	-	-	-
Improvement of Dublin	7,274	15	0	7,343	2	6	-	-	-	-	-	-
Repairs of the Royal Exchange and Commercial Buildings	1,769	2	6	2,142	15	2	-	-	-	-	-	-
Lagan Navigation	838	19	0	877	16	5¼	685	2	8	7	13	9
Inns of Court	1,107	3	4	1,107	3	4	-	-	-	-	-	-
Total Independent of Loans	5,671,519	3	8⅝	6,828,414	12	11⅛	212,198	0	0½	788,318	3	1¼
Loans paid into the Exchequer in the Year ended the 5th of January 1810	4,261,919	0	10	4,261,919	0	10	-	-	-	-	-	-
Grand Total	9,933,438	4	6⅝	11,090,333	13	9⅛	212,198	0	0½	788,318	3	1¼

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INCOME.

Total Payments out of the Gross Revenue.			Net Produce, applicable to National Objects and to Payments into the Exchequer.			Payments on Account of Militia, Deserters Straggling Seamen, Army of Reserve, and Fortification Compensation.			Bounties for promoting the Fisheries, Linen Manufacture, &c.			Total Payments out of the Net Produce.			Payments into the Exchequer.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
515,983	12	1¾	2,692,786	19	3¼	-	-	-	44,881	19	2½	44,881	19	2½	2,471,743	5	0½
237,426	9	6	1,994,850	16	11⅜	93,001	18	5	30,229	11	2	123,231	9	7	1,099,461	8	6
86,348	4	8½	732,120	15	1½	-	-	-	-	-	-	-	-	-	617,151	11	2½
110,065	0	4½	97,193	12	11	-	-	-	-	-	-	-	-	-	57,470	7	1
-	-	-	25,611	4	1¼	-	-	-	-	-	-	-	-	-	25,611	4	1¼
-	-	-	5,122	4	10¾	-	-	-	-	-	-	-	-	-	5,122	4	10¾
-	-	-	4,043	18	6	-	-	-	-	-	-	-	-	-	4,043	18	6
999,823	6	8¾	5,551,729	11	9⅛	93,001	18	5	75,111	10	4½	168,113	8	9½	4,280,603	19	4
-	-	-	2,838	4	2	-	-	-	-	-	-	-	-	-	2,838	4	2
-	-	-	46,730	15	0½	-	-	-	-	-	-	-	-	-	46,730	15	0½
-	-	-	1,192	17	11¼	-	-	-	-	-	-	-	-	-	1,192	17	11¼
-	-	-	158,738	8	5½	-	-	-	-	-	-	-	-	-	158,738	8	5½
-	-	-	21,669	6	7	-	-	-	-	-	-	-	-	-	817	1	3
-	-	-	1,375	7	0½												
-	-	-	31,032	15	11¼	-	-	-	-	-	-	-	-	-	31,032	15	11¼
-	-	-	1,813	1	10	-	-	-	-	-	-	-	-	-	1,582	0	8
-	-	-	7,343	2	6	-	-	-	-	-	-	-	-	-	7,343	0	0
-	-	-	2,142	15	2	-	-	-	-	-	-	-	-	-	1,775	0	0
692	16	5	185	0	0¼	-	-	-	-	-	-	-	-	-	150	0	0
-	-	-	1,107	3	4	-	-	-	-	-	-	-	-	-	1,107	3	4
1,000,516	3	1¾	5,827,898	9	9⅜	93,001	18	5	75,111	10	4½	168,113	8	9½	4,533,911	6	1½
-	-	-	4,261,919	0	10	-	-	-	-	-	-	-	-	-	4,261,919	0	10
1,000,516	3	1¾	10,089,817	10	7⅜	93,001	18	5	75,111	10	4½	168,113	8	9½	8,795,830	6	11½

II.—CONSOLIDATED FUND.

	INCOME.		
	£.	s.	d.
Balance on the Consolidated Fund remaining in the Exchequer, on the 5th January 1809	1,736,289	18	6¼
Custom and Excise Duties, including Quit Rents and Payments on account of dismissed and deceased Collectors	3,571,204	13	6½
Stamp Duties	617,151	11	2½
Post Office Revenue	57,470	7	1
Poundage Fee	25,611	4	1¼
Pells Fee	5,122	4	10¾
	6,012,849	19	4¼
Repayments from Great Britain for Advances on Seamen's Wages	47,923	12	11¾
Repayments of Advances for enrolling the Militia of the County of Dublin	817	1	3
Gain by Exchange on Sums received from Great Britain	2,838	4	2
Other Monies paid to the Public	35,076	14	5¼
EXTRAORDINARY RESOURCES.			
On account of Loans	4,261,919	0	10
On Exchequer Bills	541,666	13	4
From Great Britain, being ⅓ of the Profit on the Lotteries for 1808	158,738	8	5½
	11,061,829	14	9¾

	ACTUAL PAYMENTS.			CHARGE		
	£.	s.	d.	£.	s.	d.
Interest on Funded Debt, including Interest and Management	3,026,543	16	9	3,026,543	16	9
Interest on Unfunded Debt	29,940	11	0½	29,958	1	5½
Sinking Fund and Management	831,541	15	2¼	831,541	15	2¼
Principal of Debentures	-	-	-	2,225	0	0
Principal of Exchequer Bills	541,966	13	4	542,325	0	0
Lottery Prizes	44	0	0	26,197	0	0
Discount on Prompt Payment of Loan Deposites.	41,255	4	8¾	41,255	4	8¾
Inland Navigation	56,209	1	0½	56,209	1	0½
Improving the Harbour of Howth	3,814	8	8¼	3,814	8	8¼
Board of First Fruits	24,562	10	0	50,000	0	0
	4,555,878	0	9¼	4,610,069	7	10¼
Civil List	147,083	9	0¼	Unascertained.		
Pensions	87,700	15	0½			
Permanent Parliament Payments	198,014	3	1½			
Military Purposes	4,171,612	7	1¼			
Vote of Credit	222,432	17	6¼			
Annual Grants	313,285	13	3¼			
	9,696,007	5	10¼	Unascertained.		
SURPLUS of Consolidated Fund on 5th Jan. 1810.	1,365,822	8	11½			
	11,061,829	14	9¾			

III.—ARREARS AND BALANCES.

	£.	s.	d.
Balances due on 5th Jan. 1810, from the Deceased and Dismissed Collectors of Customs	56,172	11	9¾
Ditto............Ditto............Ditto.............................. of Excise	135,674	4	3½
Ditto............Ditto............Ditto...... Hearth-money Collectors Balances	61,280	16	3¾

IV.—TRADE AND NAVIGATION.

Value of Imports *and* Exporst, *for three Years.*

	OFFICIAL VALUE of IMPORTS.			OFFICIAL VALUE of Irish Products and Manufactures Exported.			OFFICIAL VALUE of Foreign and Colonial Merchandise Exported.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Year ending 5th Jan. 1808.	6,637,907	16	7¼	5,307,806	16	4	150,370	3	8½
.... 1809.	7,129,507	11	1¾	5,696,897	5	5¼	235,694	6	11¾
.... 1810.	7,471,417	5	1	5,408,910	19	9¼	330,933	5	4

Note.—The real Value of Irish Produce and Manufactures Exported in the Year ending the 5th Jan. 1810, computed at the Average Prices current, was £. 11,464,265 8 2¼

Number of Vessels, *with the Amount of their* Tonnage, *built and registered in the several Ports of* Ireland, *in Three Years.*

	VESSELS.	TONNAGE.
Year ending 5th January 1808	33	1,838
.... 1809	32	1,235
.... 1810	31	1,634

Number of Vessels *with the Amount of their* Tonnage, *and Number of* Men *usually employed in Navigating the same, that belonged to the several Ports of* Ireland, *in the Years ending 30th September* 1807, 1808, *and* 1809, *respectively.*

	VESSELS.	TONNAGE.	MEN.
On the 30th September 1807	1,098	56,902	5,217
.... 1808	1,104	58,958	5,324
.... 1809	1,119	61,050	5,560

Number of Vessels, *with the Amount of their* Tonnage, *that entered* Inwards *and cleared* Outwards *in the several Ports of* Ireland, *from or to all Parts of the World, in the Three Years ending the 5th of January* 1810.

	INWARDS.								
	IRISH.			BRITISH.			FOREIGN.		
Years ending 5th January	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
.... 1808	1,503	107,733	7,231	6,836	652,946	36,539	461	78,533	4,674
.... 1809	1,583	111,614	7,485	7,189	696,403	38,426	159	25,356	1,580
.... 1810	1,546	103,698	7,217	5,975	535,299	30,648	343	56,946	3,525
Years ending 5th January,	OUTWARDS.								
.... 1808	1,320	97,856	6,797	6,294	615,702	34,631	418	72,662	4,130
.... 1809	1,405	108,435	7,221	6,473	641,157	35,715	163	27,856	1,591
.... 1810	1,527	109,144	7,398	5,877	538,699	30,477	333	56,267	3,225

V.—PUBLIC EXPENDITURE.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. For Interest on the Funded Debt of Ireland, including Annuities for Lives and Terms of Years; also 1 per Cent. for the Reduction of the Capital created by Loans since 1797, (A. 1 & 2.)	3,770,451	1	8						
For Charge of Management thereon	-	-	-	19,999	1	11¾			
There was also applied towards the Reduction of the National Debt	67,635	8	4						
	3,838,086	10	0						
Whereof was applied towards the Reduction of the National Debt	1,178,132	15	7¾						
Total on account of Interest	2,529,953	14	4¼						
Ditto, for Charge of Management	19,999	1	11¼						
Ditto, on account of the Reduction of the National Debt	1,178,132	15	7¾						
				-	-	-	3,858,085	11	11¾
II. Interest on Exchequer Bills (B.)	-	-	-	-	-	-	29,940	11	0¼
III. Issues for purposes appointed by the Parliament of Ireland prior to the Union, &c. (C.)	-	-	-	-	-	-	583,265	18	0¾
IV. Issues from Appropriated Funds for Local Purposes (D.)	-	-	-	-	-	-	10,139	0	4
V. Civil List	-	-	-	147,083	9	0¼			
Pensions	-	-	-	87,700	15	0½			
Other Permanent Charges (E.)	-	-	-	196,014	3	1½			
							432,798	7	2¼
VI. Payments in Anticipation of Exchequer Receipts: (F. 1 & 2.) viz.									
Bounties from Excise	44,881	19	2½						
Bounties from Customs	30,229	11	2						
				75,111	10	4½			
Militia and Deserters Warrants, &c.	-	-	-	93,001	18	5			
							168,113	8	9½
VII. Ordnance (G.)	-	-	-	-	-	-	680,200	0	7
VIII. Army. (H.) Ordinary Services; viz.									
Regulars, Militia, and Volunteer Corps	-	-	-	2,529,533	0	6½			
Commissariat Establishment	-	-	-	182,950	13	11½			
Barracks	-	-	-	420,251	1	9			
Staff Officers and Officers of Garrisons	-	-	-	68,125	2	0¼			
Half Pay, Supernumerary, and retired Officers	-	-	-	25,181	3	2¾			
Officers Widows	-	-	-	4,379	6	8			
Royal Hospital, Kilmainham	-	-	-	74,590	0	8½			
Public Officers, their Deputies, Clerks and Contingent Expences	-	-	-	9,466	14	8¼			
				3,314,477	3	6¾			
Extraordinary Service	-	-	-	176,935	2	11½			
				3,491,412	6	6¼			
IX. Miscellaneous Services, (I.)	-	-	-	397,871	13	0			
Lastly, Vote of Credit, (K.)	-	-	-	222,432	17	6¼			
							5,392,828	13	7¼
							9,874,259	14	11¾

(A. 1.)—MONIES *paid out of the Receipt of the Exchequer, in the year ending the 5th Jan. 1810, towards defraying the Charge of the* PUBLIC FUNDED DEBT *of* IRELAND.

	Interest and Annuities for Lives and Terms of Years, &c.			Charge of Management.		
	£.	s.	d.	£.	s.	d.
Interest, &c. on the Public Funded Debt of Ireland	3,770,451	1	8	19,999	1	11¼
	19,999	1	11¼			
	3,790,450	3	7¼			
Annual Issue for the Reduction of the National Debt	67,635	8	4			
	3,858,085	11	11¼			

(A. 2.)—*Total Amount of the Sums actually received by the Commissioners for the Reduction of the* NATIONAL DEBT, *in the year ending 5th Jan.* 1810.

	In Great Britain.			In Ireland.		
	£.	s.	d.	£.	s.	d.
Annual Issue	-	-	-	67,635	8	4
Expired Annuities	-	-	-	9,972	7	6
Appropriation of 1 per Cent. per Annum on Loans since 1797 .	579,377	10	1¼	174,037	2	9
	579,377	10	1¼	251,644	18	7
Interest on Debt of Ireland redeemed.........................	214,303	17	10½	132,806	9	1
	793,681	7	11¾	384,451	7	8
	384,451	7	8			
	1,178,132	15	7¾			

(B.)—*Interest on* EXCHEQUER BILLS, *with the Payments made in the Year from the 5th Jan. 1809 to the 5th Jan.* 1810.

	£.	s.	d.
There remained Interest on Exchequer Bills unclaimed on 5th January 1809	23	3	6½
Charge for Interest at 5 per Cent.			
On £.541,666 13*s.* 4*d.* from 5th Jan. 1809 to 4th Jan. 1810, when paid off	27,083	6	8
On £.114,062 10*s* 0*d.* from 25th March 1809 to 25th September following	2,851	11	3
	29,958	1	5½
Deduct Interest unclaimed on the 5th January 1810	17	10	5
Total Payments for Interest on Exchequer Bills, in the Year to 5th January 1810	29,940	11	0½

(C.)—*Payments made in the Year ending the 5th January* 1810, *for Purposes appointed by the Parliament of* IRELAND *prior to the Union, &c.*

	£.	s.	d.
Lottery Prizes	44	0	0
Principal of Exchequer Bills	541,966	13	4
Discount on prompt payment of Loan Deposits	41,255	4	8¾
	583,265	18	0¾

(D.)—*Payments made from the* FUNDS *appropriated for local Purposes in* IRELAND, *from the 5th Jan.* 1809 *to the 5th Jan.* 1810.

	£.	s.	d.
Linen Manufacture	1,205	3	4
Lagan Navigation	150	0	0
Improving Dublin	7,138	0	0
Royal Exchange and Commercial Buildings	1,645	17	0
	10,139	0	4

(E.)—*Payments in the Year to the 5th Jan.* 1810, *under the several Heads of Civil List, Pensions, and other permanent Charges.*

	£.	s.	d.	£.	s.	d.
Arrear on Civil List on the 5th January 1809	34,472	5	5¾			
Charge for one Year to the 25th December 1809	145,000	0	0			
	179,472	5	5¾			
Deduct Arrear on the 5th January 1810	32,388	16	5½			
Issued to the Civil List in one Year to the 5th January 1810	-	-	-	147,083	9	0¼
Pensions	-	-	-	87,700	15	0½
Other Permanent Charges, viz.						
Public Infirmaries	4,900	0	0			
Public Coal Yards	524	18	11½			
Army Baggage	13,313	4	9¾			
Police Establishment	16,045	10	3½			
Inspector General of Prisons	200	0	0			
Transportation of Felons	3,115	7	0¼			
Fees on Auditing Treasury Accounts	2,341	11	4¾			
Imprest Office	2,600	0	0			
Secret Service in detecting treasonable Conspiracies	10,309	5	6½			
Annuities and Compensation Allowances	104,597	11	10¾			
Judges additional Salaries	30,947	7	11½			
Controverted Elections	4,034	5	3			
Commissions of Enquiry	4,785	0	0			
Board of Education	300	0	0			
				198,014	3	1½
				432,798	7	2¼

(F.)—*Amount of* BOUNTIES *paid out of the Public Revenue of Excise, in the Year ending the 5th of Jan.* 1810, *being Payments in the nature of Anticipation of Exchequer Receipt.*

	£.	s.	d.
On Linen exported	21,768	18	1½
Bark imported	1,868	7	5
Beef and Pork exported	4,585	16	4
Irish Fish Oil exported	13	15	0
Fishing Vessels	4,456	9	8
Fish imported	4,061	19	5
Corn exported	38	0	0
Fish exported	20	3	3
Flax Seed imported	8,068	5	0
	44,881	19	2½

(F.) 2.—*Amount of Payments out of the Revenues of Customs for* BOUNTIES, MILITIA, ARMY *of* RESERVE, DESERTERS WARRANTS, *&c. in the Year ending the 5th of January* 1810, *being Payments in the nature of Anticipation of Exchequer Receipts.*

Bounties to Distilleries	£.30,223	12	0
........to Spirit Retailers	5	19	2
Payments for Militia	85,755	11	10
...........Army of Reserve	5,186	5	5½
...........Deserters Warrants	992	0	0
...........Fortifications	1,068	1	1½
	£.123,231	9	7

(G.)—*Money paid to the Office of* ORDNANCE, *in the Year to the 5th January* 1810.

Payments to the Ordnance for the Grants of 1809	£.680,200	0	0

(H.)—*Monies paid on Account of His Majesty's Forces in* IRELAND, *in the Year ending the 5th January* 1810.

	£.	s.	d.	£.	s.	d.
Regiments of the Line and Foreign Corps	1,273,291	9	1			
Militia	883,880	5	7			
Volunteer Corps	356,862	17	3			
Military Hospitals	10,155	7	10			
Royal Military Infirmary	4,007	17	10			
Officiating and retired Chaplains	1,335	2	11½			
				2,529,533	0	6½
Commissariat Establishment				182,950	13	11½
Barracks				420,251	1	9
Staff Officers and Officers of Garrisons				68,125	2	0¼
Half Pay Supernumerary and retired Officers				25,181	3	2¾
Officers Widows				4,379	6	8
Royal Hospital near Kilmainham				74,590	0	8½
Public Officers, their Deputies, Clerks and Contingent Expences				9,466	14	8¼
				3,314,477	3	6¾
Extraordinary Service				176,935	2	11½
£.				3,491,412	6	6¼

(I.)—*Payments in the Year ending 5th January* 1810, *for* MISCELLANEOUS SERVICES.

	£.	s.	d.
Public Officers for several Services	1,780	0	0
Public Hospitals and Schools	130,721	0	0
Miscellaneous Services	129,335	13	3¼
Public Boards	51,449	0	0
Inland Navigations	56,209	1	0½
Improving Howth Harbour, to complete £.10,000, granted Session 1808	3,814	8	8¼
Board of First Fruits, in part of £.50,000, granted by 43 Geo. 3. chap. 158	24,562	10	0
£.	397,871	13	0

(K.)—*Payments from the* VOTE *of* CREDIT *in the Year ending 5th Jan.* 1810.

Amount of Payments from the Vote of Credit	£.222,432	17	6¼

VI.—PUBLIC FUNDED DEBT.

Public Funded Debt *of* Ireland, *for the Year ended the 5th January* 1810.

	British Currency.			Irish Currency.		
	£.	s.	d.	£.	s.	d.
Sums Raised	58,826,652	2	11			
Payable in Dublin:						
£.3 10*s.* per Cent. per Annum				8,180,972	17	1
£.4 per Cent. per Annum				227,600	0	0
£.5 per Cent. per Annum				12,875,450	11	3
Payable in London.						
£.5 per Cent. per Annum	1,900,000	0	0	2,058,333	6	8
£.3 per Cent. Consolidated Annuities	30,238,875	0	0	32,758,781	5	0
£.3 per Cent. Reduced Annuities	17,828,750	0	0	19,314,479	3	4
£.4 per Cent. Consolidated Annuities	5,054,375	0	0	5,475,572	18	4
£.5 per Cent. Consolidated Navy Annuities	572,000	0	0	619,666	13	4
Annual Charge.						
Annual Interest	2,854,331	6	2			
Annuities on Lives or Terms of Years	221,684	7	6			
Charge of Management	20,927	15	7¾			
Pursuant to Act of 37 Geo. 3. for Redemption of Debt then existing	80,181	18	4			
By Acts providing 1 per Cent. for Redemption of Debts created since 1797	765,225	14	4½	Total Principal		
Total of Annual Expences	3,942,351	2	0¼	81,510,856	15	0

An Account of the Progress made in the Reduction *of the* Public Funded Debt *of* Ireland, *to the 5th of January* 1810.

	£.	s.	d.
Stock Redeemed by Sinking Fund	3,435,852	7	7
Total Sums Paid	2,800,766	8	8
Sums Annually applicable in Ireland to the Reduction of the National Debt,			
Annual Income of Loans	254,144	1	1
Annual Interest on Stock Redeemed	146,237	13	1

At the Establishment of the Sinking Fund, £.100,000 per Annum was granted for the then existing Debt;—£.32,364. 11*s.* 8*d.* of which was appropriated to the Reduction of Money borrowed for Ireland, by the government of Great Britain, in the year 1797; and £.67,636. 8*s* 4*d.* with £.12,546. 10*s.* per Annum expired Annuities, which fell in afterward, to Remainder of the Debt due by Ireland, prior to the year 1797, without any References to the Amount.

The Money borrowed for Ireland by the government of Great Britain is not included in the above Statement, being settled for in England by the Lords of the Treasury of Ireland, and can only be procured from the Commissioners for Reducing the National Debt of England.

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *of* IRELAND, *and* DEMANDS OUTSTANDING *on the 5th Day of January* 1810.

LOAN DEBENTURES.	£.	s.	d.	£.	s.	d.
Residue of Debentures bearing £.4 per Cent. Interest to the Year 1788, provided for by the 27 and 28 Geo. 3. but not claimed by the Proprietors; viz.						
Old Loan	275	0	0			
Loan by Lottery 1780	1,220	0	0			
Loan by Lottery 1781	730	0	0	(a) 2,225	0	0
EXCHEQUER BILLS.						
Outstanding Exchequer Bills, provided for by several Acts of Parliament, but not claimed by the Proprietors.						
Payable 24 June 1783	8	6	8			
- - - - Ditto 1790	50	0	0			
- - - - Ditto 1791	100	0	0			
- - - - Ditto 1801	50	0	0			
- - - - Ditto 1803	150	0	0	(a) 358	6	8
Exchequer Bills not in course of Payment till after the 5th Jan. 1810, by 49 Geo. 3. chap. 79.—Payable on or before 4th Jan. 1811. (£.500,000 British.)	541,666	13	4			
By 49 Geo. 3. ch. 78. issued as a Premium attached to Loan of £.1,250,000. made in Ireland, payable 25th March 1813	114,062	10	0	(b) 655,729	3	4
LOTTERY PRIZES.						
Outstanding Lottery Prizes of the several Lotteries from 1782 to 1801				(a) 26,153	0	0
Total				684,465	10	0

(a) Provision has been made for these sums by several Acts of Parliament.
(b) To be provided for.

VIII.—DISPOSITION OF GRANTS.

An Account shewing how the MONIES *granted for the* SERVICE *of the Year* 1809, *have been disposed of; so far as relates to* IRELAND; *stated in Irish Currency.*

SERVICES.	SUMS Granted			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Forces	3,991,900	19	0½	3,314,477	3	7	677,423	15	5¾
Ordnance	680,200	0	7	680,200	0	7	—		
Public Officers for several Services	1,780	0	0	1,780	0	0	—		
Miscellaneous	134,268	9	2	129,335	13	3	9,932	15	10¾
Public boards	51,499	0	0	51,449	0	0	—		
Public Hospitals and Schools	130,721	0	0	130,721	0	0	—		
£.	4,995,319	8	9½	4,307,962	17	5	687,356	11	4½

END OF THE FINANCE ACCOUNTS FOR 1810.

Account of all EXEMPTIONS *granted to* FOREIGNERS, *in respect of the* DUTY *on* DIVIDENDS *on the various* FUNDS *of Great Britain, and on the* DIVIDENDS *of the East India and South Sea Companies; under the* PROPERTY TAX; *from the Quarter ending in October* 1808, *to the Quarter ending in October* 1809 *inclusive:*

Also, an ABSTRACT *of the total Amount of the* EXEMPTIONS *granted in each Year for the last three Years.*

Payable on 5th January 1809.

	PRINCIPAL.			DIVIDEND.			DUTY.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
3 per Cent. Consolidated Annuities	11,755,523	9	5	176,331	1	4	17,632	1	10
5 per Cent. Navy	212,214	15	1	5,305	6	2	529	12	8
East-India Stock	445,822	19	7	23,465	13	2	2,340	6	9
South-Sea Stock	1,112,912	19	0	19,477	12	5	1,947	11	0
South-Sea Annuities 1751	154,734	17	4	2,320	19	11	232	1	3
New South-Sea Annuities	512,218	17	6	7,683	8	5	768	4	10
3 per Cent. 1726	82,658	15	6	1,239	17	5	123	19	3
3 per Cent Imperial	80,102	10	0	1,201	10	8	120	2	10
Imperial Annuities	1,205	19	0	602	19	6	60	5	11
Irish Tontine	2,518	10	6	1,259	5	3	125	13	9½
Exchequer Annuities	293	15	0	146	17	6	14	13	9
	Total ....£.			238,974	11	9	23,894	13	10½

Payable on 5th April 1809.

	PRINCIPAL.			DIVIDEND.			DUTY.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
3 per Cent. Reduced Annuities	2,208,285	5	8	33,124	2	1	3,312	2	8
4 per Cent.	808,856	15	5	16,177	0	9	1,617	10	5
Old South Sea	503,703	11	3	7,555	10	4	755	7	8
Long Annuities	6,172	13	4	3,086	6	4	308	7	11
5 per Cent. 1797	39,025	8	10	975	17	11	97	8	5
5 per Cent. Irish	51,970	0	0	1,299	5	0	129	18	6
Irish Annuities	330	18	10	165	9	4	16	10	9
Exchequer Annuities	282	11	4	141	5	8	14	2	6½
	Total ....£.			62,524	17	5	6,251	8	10½

Payable on 5th July 1809.

	PRINCIPAL.			DIVIDEND.			DUTY.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
3 per Cent. Consolidated Annuities	11,452,874	14	10	171,792	13	5	17,178	4	4
5 per Cent. Navy	210,329	9	2	5,257	19	9	525	9	7
East India Stock	432,090	13	6	22,753	4	8	2,275	1	9
South Sea Stock	1,102,635	8	4	19,294	11	1	1,928	16	4
South Sea Annuities 1751	154,766	17	4	2,321	11	11	232	2	5
New South Sea Annuities	511,167	18	11	7,667	9	0	766	12	7
3 per Cent. 1726	82,658	19	6	1,239	17	5	123	19	3
3 per Cent. Imperial	62,903	12	1	943	11	0	94	7	0
Imperial Annuities	978	5	0	489	2	6	48	18	3
Irish Tontine	799	4	4	399	12	2	39	19	0
Exchequer Annuities	225	0	0	112	10	0	11	5	9
	Total ....£.			232,272	2	11	23,224	15	6

Payable on 10th October 1809.

	PRINCIPAL.			DIVIDEND.			DUTY.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
3 per Cent. Reduced Annuities	2,149,767	4	4	32,246	2	11	3,224	4	2
4 per Cent	776,584	5	2	15,531	11	11	1,553	0	2
Old South Sea	476,949	15	4	7,154	3	0	715	5	3
Long Annuities	6,396	0	11	3,198	0	2	319	11	3
5 per Cent. 1797	35,432	16	7	885	5	0	88	7	3
5 per Cent. Irish	7,700	0	0	192	10	0	19	5	0
Irish Annuities	164	5	10	82	2	11	8	4	3
Exchequer Annuities	—			—			—		
	Total ....£.			59,289	15	11	5,927	7	4

Total Amount of EXEMPTIONS.

	£.	s.	d.
For the Quarter ending 5th January 1809	23,894	13	10½
5th April —	6,251	8	10½
5th July, —	23,224	15	6
10th October, —	5,927	7	4
	59,298	5	7

Total Amount of EXEMPTIONS *granted in each Year for the last Three Years.*

Year ending October 1807	£. 67,772	12	7½
Year ending October 1808	64,493	14	5½
Year ending October 1809	59,298	5	7

An Account of the Amount of the Notes *of the Governor and Company of the* Bank *of* England, *in Circulation on the 7th and 12th Days of each Month, from Dec.* 1808 *to the 12th Jan.* 1810, *inclusive;*

Distinguishing the Bank Post Bills, and distinguishing the Amount of Notes under the Value of Five Pounds.

	Bank Notes of £. 5 and upwards.	Bank Post Bills.	Bank Notes under £. 5.
	£.	£.	£.
Jan. 7th, 1809	11,718,010	796,250	4,241,420
12	14,077,780	825,580	4,305,920
Feb. 7	12,778,660	923,540	4,351,360
12	12,655,360	960,070	4,345,340
March 7	12,761,730	903,450	4,347,190
12	12,366,480	899,100	4,364,470
April 7	13,062,280	941,530	4,505,770
12	13,661,710	992,500	4,518,850
May 7	13,165,000	903,190	4,547,410
12	13,635,860	892,790	4,520,710
June 7	12,404,120	848,440	4,544,650
12	12,414,120	842,400	4,565,000
July 7	12,763,880	807,920	4,868,620
12	15,066,180	848,330	4,981,060
Aug. 7	13,197,260	901,250	5,186,880
12	13,311,800	909,290	5,206,590
Sept. 7	13,424,000	882,400	5,188,580
12	13,217,600	883,880	5,185,280
Oct. 7	13,142,210	935,410	5,367,880
12	13,298,870	933,050	5,335,660
Nov. 7	13,652,700	943,450	5,438,480
12	13,578,260	945,130	5,476,020
Dec. 7	13,381,600	899,740	5,402,010
12	13,438,580	880,880	5,408,060
Jan. 7, 1810	13,013,790	851,160	5,663,080
12	14,668,640	884,120	5,854,170

An Account of all the DOLLARS *Issued by the Bank of England, to the* 8*th day of Feb* 1810, *inclusive.*

	Dollars.
Dollars stamped in the year 1797, and issued	2,325,099
Ditto.. stamped in the year 1804, and issued	1,419,484
Ditto.. stamped in the years 1809 and 1810, and issued	1,073,051
Dollars....	4,817,634

An Account of the Amount of BALANCES *of Sums Issued for the Payment of* DIVIDENDS DUE *and* NOT DEMANDED, *and for the Payment of* LOTTERY PRIZES *or* BENEFITS *which had* NOT BEEN CLAIMED, *and which remained in the hands of the Governor and Company of the Bank of England, on the under-mentioned Days,—Being those next before the Issue from the Exchequer of Money for the Payment of Dividends upon account of the National Debt, for each of the Four preceding Quarters respectively.*

	On 6th April 1809.			6th July, 1809.			11th October, 1809.			6th January, 1810.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*	*£.*	*s.*	*d.*
Dividends due and not demanded	1,107,246	16	6	940,471	12	10	990,441	11	6	989,561	6	2
Lottery Prizes not claimed	103,886	0	0	125,921	0	0	99,801	0	0	117,601	0	0
	1,211,132	16	6	1,066,392	12	10	1,090,242	11	6	1,107,162	6	2
N.B. Advanced to Government pursuant to 31 and 48 Geo. 3	876,739	0	9	876,739	0	9	876,739	0	9	876,739	0	9
Remains in the hands of the Bank	334,393	15	9	189,653	12	1	213,503	10	9	230,423	5	5

An Account of the TOTAL AMOUNT *of the* NET PROCEEDS *of* DROITS, *either paid in to the Registrar of the High Court of Admiralty, or received under any Commission, from* 1793 : *together with an Account of the Total Sum or Sums of Money paid out of the same ; specifying the Services and Objects to which the same were directed to be applied : Made out from the Returns, in the Treasury, from the respective Commissioners and the Registrar of the Court of Admiralty.*

Net Amount of PROCEEDS received ; *viz.*	£.
By the Dutch Commissioners	1,313,443
...... Spanish	2,242,539
...... Prussian	255,906
...... Danish, &c. (*)	1,161,648
Sums paid into the Registry on Account of Captures not placed under the management of the above Commissioners	2,571,141
Total Amount of the Net Proceeds received from 1793... £.	7,544,677

(*) The whole Amount of the Danish Proceeds beyond the Sum of £.348,261. and the Sums paid to Claimants, is reserved for the benefit of the Captors.

Dates of Warrants.	PAYMENTS out of the Net Proceeds ; *viz.*		£.	
	To Captors		2,336,745	
	.. Claimants		406,554	
	.. The Receiver General of Droits		110,656	
	For Law Charges and Proctors Bills ; viz.			
	King's Proctor	65,075		
	Admiralty Proctor	19,951		
	Claimants' Proctors	2,615		
	Masters' Proctors	370		
	Pilots' Proctors	113		
	Salvors' Proctors	321		
	Captors' Proctors	5,882		
	Dutch Commissioners Proctors	2,230		
	Ditto.... Law Charges	25,890		
			122,447	
	For Expences of Vessels prior to Condemnation		4,365	
	.... Salvage		9,682	
	.... Outlawry Charges		1,215	
	To the Marshal of the Court of Admiralty		23,111	
	For Registar's Poundage		5,989	
	.... Sundry small Expences		969	
	To Merchants, for Reports		441	
	For Repairs of Ships		7,020	
	.... Bottomry Bonds		1,177	
	For care of Ships and Cargoes, and Wages to Seamen		2,198	
	Demurrage		421	
				3,032,990
	For the PUBLIC SERVICE.			
1796. June 29.	Paid into the Exchequer, to the Account of the Consolidated Fund, by the Dutch Commissioners.......£.	50,000		
1797. June 30.	Ditto ....Ditto	50,000		
— July 1.	Ditto ....Ditto	500,000		
— — 5.	Ditto ....Ditto	250,000		
1798. April 3.	Ditto ....Ditto	50,000		
			900,000	
1806. Jan. 27.	To the Treasurer of the Navy, by the Spanish Commissioners	750,000		
— —	To the Treasurer of the Ordnance, by the Registrar	100,000		
— Feb. 6.	To the Treasurer of the Navy, by do.	150,000		
			1,000,000	
1809. April 24.	Paid to Lords Gambier and Cathcart, by the Danish Commissioners, being the estimated value of Ships and Stores taken at Copenhagen, delivered over for the Public Service		348,261	

Dates of Warrants.			£.	s.	d.	£.
1806. Mar. 15.	Paid by the Registrar into the Exchequer, in aid of the Civil List	190,000				
1809. Dec. 22.	Ditto........Ditto	80,000				
			270,000			
Ditto........	Ditto........Do. in aid of the £.4½ per cent.		40,000			
						2,553,261
	On Account of the Royal Family.					
1805. Oct. 14.	Messrs Drummond, for the Princess of Wales		26,000			
— —	Messrs. Coutts, for the Duke of Cumberland.		15,000			
— — 10.	Ditto .... for the Duke of Kent.........		10,000			
— Nov. 21.	Messrs. Drummond, for the Duke of Gloucester		19,500			
	Messrs. Adam and Dalrymple, for the use of the following Persons:					
1806. April 8.	Duke of Kent		10,000			
—	Duke of Cambridge		20,000			
—	Duke of Sussex		20,000			
—	Duke of Cumberland		5,000			
—	Duke of Clarence..........................		20,000			
— July 14.	Messrs. Coutts, for the Duke of Kent		6,000			
1808. Jan. 27.	Messrs. Coutts & Adam, for the Duke of York		20,000			
						171,500
	Special Payments.					
	At various times, in the years 1805 and 1806, the Spanish Commissioners paid to Joseph Alcock, Esq. to be by him paid over to the Merchants, &c. trading to Spain, whose Property was sequestered in 1796 and 1797		£. 269,789	s. 17	d. 1	
1805. Sept. 24.	Sir H. Popham, Grant of the remaining part of the Proceeds of the Ship Etrusco, at His Majesty's disposal		21,610	0	7	
1806. April 23.	Messrs. Porcher and Redhead, to satisfy claims of the Officers and Men of the Matilda Cartel, for the loss of Clothing		1,378	8	0	
1807. Feb. 10.	H. Torry, for Clothing lost on board the Matilda Cartel Ship		70	0	0	
1805. Sept. 13.	P. de Ayrelza, Compensation to sundry Spanish Subjects, for the detention of two Ships		1,171	15	4	
1807. Sept. 14.	J. Rist, Chargé des Affaires from the Court of Denmark,, in full satisfaction of an Award for the loss of the Ship Dunkirk ..		1,704	6	9	
1804. June 8.	Mr. G. Smith, for bringing the Rendsborg, a Prize, home from St. Helena.............		200	0	0	
1806. Jan. 23.	Mr. A. Brown, Reward for Intelligence which led to the Capture of a Ship		105	0	0	
— May 15.	C. Broughton, Esq. to be paid to Danish Fishermen, who had been interrupted in their fishery		26	12	6	
— Nov. 24.	F. de Tastet, to be paid to Messrs. Holmes and Hudson, for the loss of a Cargo captured and condemned on board the American Ship Kitty, and Hannah at Cape Nicola Mole ..		764	13	2	
1803. April 29.	Lord Keith, to complete the payment for Damages incurred against him by the detention of the American Ship Argonaut at the Cape of Good Hope		20,521	6	9	
— Sept. 13.	Lord Paulet, Reimbursement of a Sum paid by him to the Claimants of the Ship Astrea, detained by him		4,279	12	8	
1808. Sept. 29.	Messrs. Prinsep and Saunders, Compensation for the loss of their Ship the Justina, in consequence of its having been employed in the Public Service		13,569	1	0	
1805. Sept. 28.	S.H.Pellew, Reward for the Seizure of a Ship		73	10	0	
1794. Dec. 13.	Lieutenant Governor Browne, Gratuity for seizing the Brig Hannah, on a voyage from Bourdeaux to Philadelphia		2,273	12	10	
1795. Nov. 12.	Representatives of R. H. Cox..Do....Do...		1,000	0	0	

Dates of Warrants.		£.	s.	d.	£.
1799. Mar. 14.	Rev. W. B. Daniels, Reward for giving information relative to an illegal capture....	575	4	10	
1800. Nov. 7.	Ditto........Ditto........Ditto...........	3,522	3	5	
1801. Jan. 23.	R. Thatcher, Gratuity for evidence given by him relative to an illegal capture	87	13	7	
— May 13.	Rev. W. B. Daniels, Expences in procuring the Condemnation of a Ship and Cargo ..	1,000	0	0	
1803. April 12.	Messrs. Francis Arnold and Ward, Reward for the Seizure of a Ship...............	105	0	0	
1805. Mar. 28.	J. Friend, Reward for seizing a French Vessel	400	0	0	
— May 13.	J. E. de Sutter, Grant of Proceeds of Property belonging to him	405	18	2	
— Sept. 30.	S. Bayler and T. Hunt, Reward for seizing the Ship Thomas in the River Shannon....	1,000	0	0	
1806. July 3.	E. Van Harthals, Grant of the Proceeds of Goods on board sundry Dutch West India Ships, for the use of the Owners	1,856	16	11	
	Ditto............Ditto	1,024	11	2	
	Ditto............Ditto	236	11	2	
	Ditto............Ditto	50	10	2	
	Ditto............Ditto	718	5	5	
	Ditto............Ditto	1,852	10	2	
— Aug. 29.	W. Davies, for seizing a Ship	52	10	0	
1809. Dec. 21.	Mr. Lee for Giovanni Casmacick, for Wages, &c. due to the Crew of the Ragusan Ship Invidiato	849	19	10	
1806. Aug. 21.	C. Anderson, Esq. Compensation for the loss of the Ship Lapwing, captured by the Spaniards the day after Hostilities should have ceased, but ordered to be restored, which was not effected before the recommencement of Hostilities............	15,865	6	6	
1805. June 20.	Messrs. Troughton and Constable, Reward for seizing a French Vessel	52	10	0	
1800. Aug. 28.	J. S. Y. Ryba, for Goods claimed by him....	900	0	0	
1805. June 20.	Messrs. Hardess, Mantz, and Co. Grant of Proceeds of Cotton, for the use of the Owner.	563	2	11	
1808. Oct. 20.	Executors of the late M. Burke, Grant of one Moiety of the Ship de Faam	449	15	9	
1809. Jan. 24.	J. D. Rucker, Grant of Proceeds of the Ship Flora, on account of the Owners	658	18	1	
1805. Jan. 1.	Indemnification to sundry Commanders, on account of Ships carried into Cape Nicola Mole, and illegally condemned	54,921	8	9	
					425,687
	TOTAL PAYMENTS out of Net Proceeds ....£				6,188,438

LIST OF PUBLIC ACTS,

Passed in the Fourth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland—50th of George III.

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1. An Act for continuing to his Majesty certain duties on Malt, Sugar, Tobacco, and Snuff, in Great Britain; and on Pensions, Offices, and Personal Estates in England; for the service of the year 1810.

2. Act for raising the sum of 10,500,000*l.* by Exchequer Bills, for the service of Great Britain for the year 1810.

3. Act for raising the sum of 1,500,000*l.* by Exchequer Bills, for the service of Great Britain, for the year 1810.

4. Act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the times limited for those purposes respectively, until the 25th day of March 1811; and to permit such persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attorneys and Solicitors, to make and file the same on or before the 1st day of Hilary Term 1811.

5. Act to prohibit the Distillation of Spirits from Corn or Grain in Great Britain for a limited time; and to continue, until four months after the expiration of such prohibition, an act of the last session of parliament, to suspend the Importation of British or Irish-made Spirits into Great Britain or Ireland respectively.

6. Act to enable his royal highness George Prince of Wales, to grant leases of certain lands and premises called Prince's Meadows, in the parish of Lambeth, in the county of Surrey, parcel of his said royal highness's Duchy of Cornwall, for the purpose of building thereon.

7. Act for punishing Mutiny and Desertion; and for the better payment of the Army and their Quarters.

8. Act for settling and securing a certain annuity on Viscount Wellington and the two next persons to whom the title of Viscount Wellington shall descend, in consideration of his eminent services.

9. Act to continue, until the 25th day of March 1811, so much of an Act of the 47th year of majesty, as allows a Bounty on British Plantation Raw Sugar exported.

10. Act for making perpetual certain of the Provisions of an Act of the fifth year of King George the first, for preventing the clandestine running of uncustomed Goods, and for preventing Frauds relating to the Customs.

11. Act to continue, until the 25th day of March 1815, several Laws relating to the encouragement of the Greenland Whale Fisheries.

12. Act to continue, until the twenty-fifth day of March 1812, an Act made in the forty-sixth year of his present Majesty, for permitting the Importation of Masts, Yards, Bowsprits, and Timber for Naval Purposes from the British Colonies in North America, duty free.

13. Act to continue an Act, made in the forty-fourth year of his present Majesty, for permitting the Exportation of Salt from the port of Nassau in the Island of New Providence, the port of Exuma and the port of Crooked Island in the Bahama Islands, in American ships coming in ballast; and to amend and continue an Act made in the forty-eighth year of his present Majesty, for permitting Sugar and Coffee to be exported from his Majesty's Colonies or Plantations to any Port in Europe to the Southward of Cape Finisterre, and Corn to be imported from such Port, and from the Coast of Africa, into the said Colonies and plantations, until the twenty-fifth day of March 1813.

14. Act for the regulation of his majesty's Royal Marine Forces while on shore.

15. Act to grant to his Majesty Duties upon Spirits made or distilled in Ireland from Corn; to allow certain drawbacks on the Exportation thereof; to make further regulations for the encouragement of Licensed Distillers; and for amending the laws relating to the Distillery in Ireland.

16. Act for further continuing, until the twenty-fifth day of March 1811, an act of the forty-first year of his present Majesty, for prohibiting the Exportation from Ireland, and for permitting the Importation into Ireland, duty-free, of Corn and other Provisions.

17. Act to continue, until the 25th day of March 1811, an Act for regulating the drawbacks and bounties on the exportation of Sugar from Ireland.

18. Act for further continuing, until the 25th day of March 1811, certain bounties and drawbacks on the Exportation of Sugar from Great Britain; and for suspending the Countervailing duties and bounties on Sugar when the duties imposed by an act of the 46th year of his present Majesty shall be suspended.

19. Act for further continuing, until the 25th day of March 1811, an act made in the 39th year of his present Majesty, for prohibiting the Exportation from and permitting the Importation to Great Britain of Corn, and for allowing the Importation of other articles of provision, without payment of duty.

20. Act for removing doubts as to the power of appointing Superintendants of Quarantine, and their Assistants.

21. Act for amending and continuing so amended, until the 25th day of March 1812, an act of the 45th year of his present Majesty, for consolidating and extending the several Laws in force, for allowing the Importation and Exportation of certain Goods and Merchandize into and from certain Ports in the West Indies.

22. Act for authorizing the Lords Commissioners of the Treasury to purchase certain Quays within the Port of London.

23. Act for granting Annuities to discharge certain Exchequer Bills.

24. Act to amend an Act, passed in the last Session of Parliament, for completing the Militia of Great Britain; and to make further provision for completing the said Militia.

25. Act to amend several Acts, relating to the Local Militia of Great Britain.

26. Act for granting a duty on Foreign Plain Linen taken out of warehouse and exported to Foreign Parts.

27. Act to continue until the 25th day of March 1831, certain Acts made in the Parliament of Ireland, for the better regulation of the Silk manufacture.

28. Act for increasing the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers.

29. Act to amend an Act of the last Session of Parliament, for amending the Irish Road Acts.

30. Act to regulate the Fees payable to Coroners in Ireland, upon holding Inquisitions.

31. Act for augmenting the Salaries of the Lords of Session, Lords Commissioners of Justiciary, and Barons of Exchequer in Scotland, and Judges in Ireland.

32. Act to repeal certain parts of several Acts of the Parliament of Ireland, so far as relates to the limiting the Number of Persons to be carried by Stage Coaches or other Carriages; for enacting other limitations in lieu thereof; and for other purposes relating thereto.

33. Act for enabling Tenants in Tail and for Life, and also Ecclesiastical Persons, to grant Land for the purpose of endowing Schools in Ireland.

34. Act for allowing the Exportation of British and Irish made Malt from one part of the United Kingdom to the other.

35. Act for altering the mode of collecting the duty on Insurances against Loss by Fire, upon property in his majesty's islands and possessions in the West Indies, and elsewhere beyond the seas; and for exempting certain Bonds and Receipts from Stamp Duty, for giving relief in certain cases of Stamps spoiled or misused, and for explaining part of an Act passed in the 48th year of his majesty's reign, for granting Stamp Duties in Great Britain.

36. Act for granting Annuities to discharge an additional number of Exchequer Bills.

37. Act for enabling his Majesty to settle an Annuity on his serene highness the Duke of Brunswick Wolfenbuttel.

38. Act to extend the provisions of an act passed in the 48th year of his present majesty's reign, intituled, 'An Act to permit certain Goods imported into Ireland to be warehoused or secured without the Duties due on the Importation thereof being first paid,' and to amend the same.

39. Act for repaying in certain cases the Duty paid on the Export of Foreign Plain Linen.

40. Act for dicontinuing the bounty on Exportation of Oil of Vitriol, and allowing a drawback of a proportion of the duties paid on the Importation of Foreign Brimstone used in making Oil of Vitriol.

41. Act for placing the Duties of Hawkers and Pedlars under the management of the Commissioners of Hackney Coaches.

42. Act for consolidating the Duties of Customs for the Isle of Man, and for placing the same under the management of the Commissioners of Customs in England.

43. Act for maintaining and keeping in repair, Roads made and Bridges built in Scotland, under the authority of the Parliamentary Commissioners for Highland Roads and Bridges.

44. Act to provide for a durable allowance of Superannuation to the Officers of Excise in Scotland, under certain restrictions.

45. Act for raising the sum of 12,000,000*l.* by way of Annuities.

46. Act for encouraging the consumption of Malt Liquor in Ireland.

47. Act to extend and amend the provisions of an Act made in the 37th year of his present Majesty, for the Relief and Maintenance of Insolvent Debtors detained in Prison in Ireland.

48. Act to repeal Three Acts, made in the 28th, 30th, and 46th years of his present Majesty, for limiting the number of persons to be car-

ried on the Outside of Stage Coaches or other Carriages, and to enact other regulations for carrying the objects of the said acts into effect.

49. Act to amend the Laws for the Relief of the Poor, so far as relate to the examining and allowing the Accounts of Churchwardens and Overseers by Justices of the Peace.

50. Act to explain and amend an Act made in the last Session of Parliament, relating to the Relief and Employment of the Poor, so far as relates to the more effectual carrying the same into execution; and to extend the provisions thereof to Parishes which shall not have adopted the provisions of an Act of the 22nd year of his present majesty, for the better Relief and Employment of the Poor.

51. Act to repeal so much of an Act, passed in the 7th year of King James the first, as relates to the Punishment of Women delivered of Bastard Children; and to make other provisions in lieu thereof.

52. Act to amend so much of an Act, passed in the eighth and ninth year of King William the Third, as requires poor persons receiving Alms to wear Badges.

53. Act for preventing Frauds relating to the Exportation of British and Irish made Malt from one part of the United Kingdom to the other.

54. Act to revive and continue, until the 25th day of March 1811, an act of the 39th year of his present Majesty, for the more effectual Encouragement of the British Fisheries.

55. Act to prohibit the Importation of Italian Silk Crapes and Tiffanies, and to increase the shares of seizures payable to officers in respect of Foreign wrought Silks and foreign manufactured Leather Gloves.

56. Act to explain and amend an Act passed in the last Session of Parliament, for continuing and making perpetual several Duties of One Shilling and Sixpence in the Pound, repealed by an act of the last Session of Parliament on Offices and Employments of Profit, and on Annuities, Pensions and Stipends.

57 Act to revive and continue until the 25th day of March 1815, an Act of the 23rd year of his present Majesty, for the more effectual Encouragement of the Manufacture of Flax and Cotton in Great Britain,

58. Act to amend several Acts for the Redemption and Sale of the Land Tax.

59. Act for more effectually preventing the Embezzlement of Money or Securities for Money belonging to the Public, by any Collector, Receiver, or other person entrusted with the receipt, care, or management thereof.

60. Act for permitting the Exportation to Newfoundland of Foreign Salt, Duty free, from the Import Warehouses at the Port of Bristol; and for repealing so much of an Act of the last Session as allows Salt, the produce of any part of Europe South of Cape Finisterre, to be shipped in any Port of Europe direct to certain Ports in North America.

61. Act for making Sugar and Coffee, of Guadaloupe, Saint Eustatia, Saint Martin, and Saba, liable to the same Duty on Importation as Sugar and Coffee, not of the British Plantations.

62. Act for the more effectual prevention of Smuggling in the Isle of Man.

63. Act to enable his Majesty to authorize the Exportation of the Machinery necessary for erecting a Mint in the Brazils.

64. Act to permit the removal of Goods, Wares, and Merchandise, from the Port in Great Britain where first warehoused, to any other warehousing Port for the purpose of Exportation.

65. Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown, and Surveyor General of his Majesty's Woods, Forests, Parks, and Chases.

66. Act to authorise the Judge Advocate General to send and receive Letters and Packets free from the Duty of Postage.

67. Act for the better Preservation of Heath Fowl commonly called Black Game, in the counties of Somerset and Devon.

68. Act for raising the sum of 1,400,000*l.* by way of Annuities for the service of Ireland.

69. Act for raising the sum of 6,000,000*l.* by Exchequer Bills, for the service of Great Britain, for the year 1810.

70. Act to enable the Commissioners of his Majesty's Treasury to issue Exchequer Bills, on the Credit of such Aids or Supplies as have been or shall be granted by Parliament for the service of Great Britain, for the year 1810.

71. Act for appropriating Part of the Surplus of the Stamp Duties granted in the forty-eighth year of his present Majesty, for defraying the Charges of the Loan made and Stock created in the present session of Parliament.

72. Act for improving and completing the Harbour on the north side of the Hill of Howth near Dublin, and rendering it a fit situation for his Majesty's Packets.

73. Act to alter, explain, and amend the Laws now in force respecting the Trade of Bakers, residing out of the City of London or the Liberties thereof, or beyond ten miles of the Royal Exchange.

74. Act to grant to his Majesty certain addi-

tional Duties upon Letters and Packets sent by the Post within Ireland.

75. Act to grant to his Majesty an additional Duty on Dwelling-Houses in Ireland, in respect of the Windows or Lights therein.

76. Act to repeal certain Duties under the care of the Commissioners for managing the Stamp Duties in Ireland, and to grant new and additional Duties, and to amend the Laws relating to the Stamp Duties in Ireland.

77. Act for imposing additional Duties of Customs on certain Species of Wood imported into Great Britain.

78. Act to repeal an Act made in the forty-seventh year of his present Majesty, for suppressing Insurrection, and preventing the Disturbances of the Public Peace in Ireland.

79. Act for regulating the continuance of Licences for distilling Spirits from Sugar in the Lowlands of Scotland.

80. Act for reviving and further continuing until the 25th day of March, 1811, several Laws for allowing the Importation of certain Fish from Newfoundland and the coast of Labrador, and of certain Fish from parts of the coast of his Majesty's North American Colonies, and for granting Bounties thereon.

81. Act to continue until the first day of August, 1811, certain Acts for appointing Commissioners to enquire into the Fees, Gratuities, Perquisites, and Emoluments received in several Public Offices in Ireland, to examine into any Abuses which may exist in the same, and into the mode of receiving, collecting, issuing, and accounting for Public Money in Ireland.

82. Act to amend the Laws relative to the Sale of Flax Seed and Hemp Seed in Ireland.

83. Act to repeal several Acts respecting the Woollen Manufacture, and for indemnifying persons liable to any penalty for having acted contrary thereto.

84. Act for augmenting Parochial Stipends, in certain Cases, in Scotland.

85. Act to regulate the taking of Securities in all Offices, in respect of which Security ought to be given; and for avoiding the Grant of all such Offices, in the event of such Security not being given within a time to be limited after the Grant of such Office.

86. Act to amend two Acts passed in the thirty-ninth and forty-third years of his present Majesty, for regulating the manner in which the East India Company shall hire and take up Ships.

87. Act to amend two Acts, relating to the raising Men for the Service of the East India Company; and the Quartering and Billetting such Men; and to Trials by Regimental Courts Martial.

88. Act to make provisions for a limited time respecting certain Grants of Offices.

89. Act for defraying, until the 25th day of March, 1811, the Charge of the Pay and Cloathing of the Militia of Ireland, and for making Allowances in certain Cases to Subaltern Officers of the said Militia during Peace.

90. Act for defraying the Charge of the Pay and Clothing of the Militia and Local Militia in Great Britain for the year 1810.

91. Act to revive and continue, until the 25th day of March, 1811, and amend so much of an Act made in the thirty-ninth and fortieth year of his present Majesty, as grants certain Allowances to Adjutants and Serjeant Majors of the Militia of England disembodied under an Act of the same session of Parliament.

92. Act for making Allowances in certain Cases to Subaltern Officers of the Militia in Great Britain, while disembodied.

93. Act for the improving and completing the Harbour of Holyhead, in the Isle of Anglesea.

94. Act for granting to his Majesty a Sum of Money to be raised by Lotteries.

95. Act to enable the Corporation for preserving and improving the Port of Dublin, to erect, repair, and maintain Lighthouses round the Coasts of Ireland, and to raise a Fund for defraying the Charge thereof.

96. Act to amend an Act passed in this session of Parliament, intituled, 'An Act for 'increasing the Rates of Subsistence to be 'paid to Innkeepers and others, on quarter-'ing Soldiers.'

97. Act to continue until the fifth day of July, 1811, and to amend several Acts for granting certain Rates and Duties, and for allowing certain Drawbacks and Bounties on Goods, Wares, and Merchandise imported into and exported from Ireland; and to grant to his Majesty until the said fifth day of July, 1811, certain new and additional Duties on the Importation, and to allow Drawbacks on the Exportation of certain Goods, Wares, and Merchandise into and from Ireland.

98. Act for raising the sum of 216,000*l.* by Treasury Bills for the service of Ireland for the year 1810.

99. Act to amend the several Acts relating to the making of Malt, and the granting of Permits and Certificates, and the Regulations of Braziers, and of persons employing more than one Still in Ireland.

100. Act for respiting certain Fines imposed on Stills in Ireland.

101. Act for confirming an Agreement for the Purchase of the Prisage and Butlerage of Wines in Ireland, entered into by the Commissioners of his Majesty's Treasury in Ireland, and the right honourable Walter Earl of Ormonde and Ossory and his Trustees, in pursuance of an Act made in the forty-sixth year of his present Majesty's reign.

102. Act for the more effectually preventing the administering and taking of unlawful Oaths in Ireland; and for the protection of Magistrates and Witnesses in criminal cases.

103. Act for repealing the several Laws relating to Prisons in Ireland, and for reenacting such of the provisions thereof as have been found useful, with Amendments.

104. Act for altering the amount of certain Duties of Assessed Taxes granted by an Act passed in the forty-eighth year of his present Majesty's reign, and for granting to his Majesty certain other Duties of Assessed Taxes on the articles therein mentioned.

105. Act to regulate the manner of making Surcharges of the Duties of Assessed Taxes, and of the Tax upon the Profits arising from Property, Professions, Trades, and Offices, and for amending the Acts relating to the said Duties respectively.

106. Act for regulating the manner of assessing Lands in certain cases to the Duties arising from the Profits of Property, Professions, Trades and Offices, and for giving relief from the said Duties on occasion of losses in other cases therein mentioned.

107. Act to regulate the Examination and Payment of Assignments for Cloathing of his Majesty's Forces.

108. Act to amend and enlarge the powers of an Act passed in the second year of his present Majesty, for the encouragement of the Fisheries of this Kingdom, and the protection of the persons employed therein.

109. Act to continue for two years, and from thence until the end of the then next session of Parliament, and amend an Act made in the forty-seventh year of his present Majesty, for the preventing improper persons from having Arms in Ireland.

110. Act to allow, until the first day of August, 1811, the bringing of Coals, Culm and Cinders to London and Westminster by Inland Navigation.

111. Act to limit the amount of Pensions to be granted out of the Civil List of Scotland.

112. Act for abridging the Form of extracting Decrees of the Court of Session in Scotland, and for the regulation of certain parts of the proceedings of that Court.

113. Act for enabling his Majesty to raise the Sum of 3,000,000*l.* for the service of Great Britain.

114. Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills, and to be advanced and applied in the manner and upon the terms therein mentioned, for the relief of the United Company of Merchants of England trading to the East Indies.

115. Act for granting to his Majesty certain Sums of Money out of the Consolidated Fund of Great Britain, and for applying certain Monies therein mentioned, for the Service of the year 1810; and for further appropriating the Supplies granted in this session of Parliament.

116. Act to extend and amend the term and provisions of an Act of the thirty-ninth and fortieth year of his present Majesty, for the better Preservation of Timber in the New Forest, in the County of Southampton, and for ascertaining the Boundaries of the said Forest, and of the Lands of the Crown within the same.

117. Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, shall be annually laid before Parliament, and to regulate and controul the granting and paying of such Salaries, Pensions, and Allowances.

118. Act for regulating the Offices of Registrars of Admiralty and Prize Courts.

119. Act for further amending and enlarging the powers of an Act of the forty-sixth year of his present Majesty, for consolidating and rendering more effectual the several Acts for the Purchase of Buildings, and further Improvement of the Streets and Places near to Westminster Hall and the two Houses of Parliament.

PARLIAMENTARY PAPERS.

FIRST REPORT FROM THE SELECT COMMITTEE ON PROCEEDINGS RELATIVE TO SIR FRANCIS BURDETT.—*Ordered, by the House of Commons, to be printed*, 11*th May* 1810.

The SELECT COMMITTEE appointed to consider of the Proceedings had, and to be had, with reference to the several Papers signed "Francis Burdett;"—the Contents of which related to his being apprehended and committed to the Tower of London, and which Papers were communicated to the House, by Mr. Speaker, upon the 13th and 17th days of April last;—and to report such facts, as they may think necessary, together with their opinion thereupon, from time to time, to the House;—And to whom the matters stated by the Serjeant at Arms attending the House, and the Process served upon him in an Action at Law by Sir Francis Burdett;—and also the Summons served on Mr. Speaker, and the Notice of Declaration delivered to the Serjeant at Arms, at the Suit of the said Sir Francis Burdett; were referred;——Have, pursuant to the Orders of the House, with all dispatch, considered the Matters referred to them; and have agreed to the following REPORT.

It appears to your Committee, after referring to the order of the House of the 5th day of April last, for the commitment of sir Francis Burdett to the Tower; the warrants of the Speaker for that purpose; the letter of sir F. Burdett to the Speaker, dated the 17th day of April last; the Report and examination of the Serjeant at Arms, touching his proceedings in the execution of such warrants; the notices to the Speaker referred to your Committee; the demand made upon the Serjeant at Arms of a copy of the warrant under which he arrested sir Francis Burdett; the writ served upon the Serjeant, and the summons served upon the Speaker, and the notice of declaration filed against the Serjeant; which said notices, demand, writ and summons, are all at the suit or on behalf of the said sir F. Burdett, and all bear the name of the same solicitor, John Ellis;—That the said proceedings have been brought against the Speaker, and the Serjeant, on account of what was done by them respectively in obedience to the order of the House; and for the purpose of bringing into question, before a court of law, the legality of the proceedings of the House in ordering the commitment of sir F. Burdett, and of the conduct of the Speaker, and the Serjeant, in obedience to that order.

1.—Your Committee, not in consequence of any doubt upon the question so intended to be raised, but for the purpose of collecting into one view such precedents of the proceedings of the House upon cases of breach of privilege as might afford light upon this important subject, have in the first place examined the journals, with relation to the practice of the House in commitment of persons, whether members or others, for breaches of privilege, by offensive words or writings derogatory to the honour and character of the House, or of any of its members; and they have found numerous instances, in the history of parliament, so far as the journals extend, of the frequent, uniform, and uninterrupted practice of the House of Commons to commit to different custodies, persons whom they have adjudged guilty of a breach of their privileges by so offending.

The statement of these precedents, which establish the law of parliament upon this point by the usage of parliament: the utility of such law, and the necessity which exists for its continuance, in order to maintain the dignity and independence of the House of Commons; its analogy to the acknowledged powers of courts of justice, and the recognition of such right in various instances, by legal authorities, by judicial decisions, and by the other branch of the legislature; as well as the invariable assertion and maintenance of it by the House of Commons, are topics which may be reserved for a further Report. And although there are some instances in which the House has thought proper to direct prosecutions for such offences, yet the Committee confidently state that the more frequent practice of the House, at all times, has been to vindicate its own privileges by its own authority.

2.—The subject which appears to your Committee to press most urgently for an immediate Report, is, The state of the law and the practice of the House in cases either of criminal prosecution or civil action against any of its members, for any thing spoken or done in the House of Commons; or for any proceeding against any of its officers or other persons acting under its authority.

The principal instances to be found under this head arose out of those proceedings which, in the time of Charles 1, Charles 2, and James 2, were instituted by the officers of the crown, in derogation of the rights and privileges of the Commons of England. Those proceedings were resisted, and resented by the House of Commons; were condemned by the whole legislature, as utterly and directly contrary to the known laws and statutes and freedom of this realm; and led directly to the declaration of the Bill of Rights, "That the freedom of speech, and debates "or proceedings in parliament, ought not "to be impeached or questioned in any "court or place out of parliament;"—and your Committee have no hesitation in stating, that this article in the Bill of Rights extends as clearly to actions or indictments brought or prosecutions by individuals, as to informations or other proceedings directly instituted by the authority of the crown.

The law of parliament on this subject, so far as relates to words spoken in parliament, was legislatively declared in a statute to be found in the parliament roll of the 4th of Henry 8: By that act, the rights and privileges of free speech in parliament are established, and a special action is given in favour of the party injured by any action brought against him for words spoken in parliament. And, from this statute, it appears that parliament at that time, when the case occurred which seemed to shew the expediency of legislative provision to give fuller force and protection to its privileges, made it the subject of such provision.

In the 5th of Charles 1, an information was filed against sir J. Elliot, Denzel Holles, esq. and Benjamin Valentine, for their speeches and conduct in the House of Commons; judgment was given against them in the King's bench, they were sentenced to imprisonment, and were fined: In the parliament which met in 1640 the House of Commons, after a Report made of the state of the cases of Mr. Holles and the rest of the imprisoned members, in the 3d of Charles, came to several resolutions; by which they resolved, That these proceedings were against the law and privilege of parliament; and condemned the authors and actors in them as persons guilty of a breach of the privilege of parliament. 2 Com. Jour. July 6 and 8, 1641. State Trials, vol. 7 p. 242.

In the reign of Charles 2, these proceedings were again taken into consideration; and the House of Commons came to several resolutions. On the 12th of November, 1667, they resolved, That the act of Parliament in the 4th year of the reign of Henry 8, above referred to, is a declaratory law of the ancient and necessary rights and privileges of Parliament. On the 23rd of November, 1667, they resolved, That the Judgment above referred to against sir J. Elliot, D. Holles, and B. Valentine, esquires, in the King's Bench, was an illegal Judgment; and on the 7th of December, 1667, they desired the concurrence of the Lords. The Lords on the 12th of December agreed with the Commons in these votes.

Your Committee next refer to the case of sir William Williams; the detail of which they proceed to insert from the Report of a former Committee of this House.

'The case of sir William Williams, 'against whom after the dissolution of the 'Parliament held at Oxford, an informa'tion was brought by the Attorney Gene'ral, in the King's Bench, in Trin. Term, '36 Car. 2, for a misdemeanor, for having 'printed the information against Thomas 'Dangerfield, which he had ordered to be 'printed when he was Speaker, by Order 'of the House. Judgment passed against 'him on this information in the second 'year of king James the 2nd. This pro'ceeding the Convention Parliament deem'ed so great a grievance, and so high an 'infringement of the rights of Parliament, 'that it appears to your Committee to be 'the principal, if not the sole object of 'the first part of the eighth head of the 'means used by king James to subvert 'the laws and liberties of this kingdom, as 'set forth in the declaration of the two 'Houses; which will appear evident from 'the account given in the Journal, 8th 'February, 1688, of the forming of that 'declaration, the eighth head of which 'was at first conceived in these words;

‘viz. “By causing informations to be brought and prosecuted in the court of King's Bench, for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses.”

February 11, 1688. “To this article the Lords disagreed; and gave for a reason, Because they do not fully apprehend what is meant by it, nor what instances there have been of it; which therefore they desire may be explained, if the House shall think fit to insist further on it.”

February 12, 1688. “The House disagree with the Lords in their amendment of leaving out the eighth article. But in respect of the liberty given by the Lords in explaining that matter; Resolved, That the words do stand in this manner: By prosecutions in the court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses.” ‘By which amendment your Committee observes, that the House adapted the article more correctly to the case they had in view; for the information was filed in king Charles the 2nd's time; but the prosecution was carried on, and judgment obtained, in the second year of king James.’

‘That the meaning of the House should be made more evident to the Lords, the House ordered, “That sir William Williams be added to the managers of the conference;” and sir William Williams the same day reports the conference with the Lords; and, “That their lordships had adopted the article in the words as amended by the Commons.” And corresponding to this article of grievance, is the assertion of the right of the subject in the ninth article of the declaratory part of the bill of rights; viz. “That the freedom and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of Parliament.”

‘To which may be added, the latter part of the sixth resolution of the exceptions to be made in the Bill of Indemnity, Journal, vol. x. p. 146, wherein, after reciting the surrender of charters, and the violating the rights and freedoms of elections, &c. it proceeds in these words: “And the questioning the proceedings of Parliament, out of Parliament, by declarations, informations or otherwise, are crimes for which some persons may be justly excepted out of the Bill of Indemnity.”

On the 11th of June, 1689, the House ordered, “That the Records of the Court of King's Bench, relating to the proceedings against William Williams, esq. now sir William Williams, knight and baronet, late Speaker of this House, be brought into this House, by the Custos Brevium of the said court, on Thursday morning next.”

On the 12th of July, “the Record was read; and the House thereupon resolved, That the Judgment given in the court of King's Bench, in Easter Term 2 Jac. 2, against William Williams, esq. Speaker of the House of Commons in the Parliament held at Westminster, 25th October, 32 Car. 2. for matter done by Order of the House of Commons, and as Speaker thereof, is an illegal Judgment, and against the freedom of Parliament.

“Resolved, That a Bill be brought in to reverse the said Judgment.”

‘This bill was twice read, but went no further in that session:’—A similar bill was in the following session ordered to be brought in; and a third bill passed the Commons in 1695, and was sent up to the House of Lords, but did not proceed there to a second reading.

It appears further, that on the 4th of June, 1689, “a petition of John Topham, esq. was read; setting forth, That he, being a serjeant at arms, and attending the House in the years 1679 and 1680, when several Orders were made, and directed to the petitioner, for the taking into his custody the several persons of sir Charles Neal, &c. &c. and others, for several misdemeanors by them committed in breach of the privilege of the House; and after that the Commons were dissolved, the said persons being resolved to ruin the petitioner, did, in Hilary Term, the 33rd or 34th of king Charles, sue the petitioner in the King's Bench in several actions of trespass, battery and false imprisonment, for taking and detaining them as aforesaid: to which actions the petitioner pleaded to the jurisdiction of the court, the said several Orders; but such his plea was over-ruled; the then judges ruling the petitioner to plead in chief, and thereupon he pleaded the Orders in bar to the actions: notwithstanding which plea and Orders, the then judges gave judgment against him, &c.”

“Upon the Report from the Committee of Privileges and Elections, to whom this petition of J. Topham was referred, "the House resolved, That this House "doth agree with the Committee, That "the judgment given by the court of "King's Bench, Easter Term, 34 Car. 2, "regis, upon the plea of John Topham, at "the suit of John Jay, to the jurisdiction "of that court; and also the judgments "given against the said Mr. Topham, at "the suit of Samuel Verdon, &c. are illegal, and a violation of the privileges of "Parliament, and pernicious to the rights "of Parliament." Whereupon it was ordered, "That sir Francis Pemberton, sir "Thomas Jones, and sir Francis Wythens, "do attend this House on Wednesday "morning next."

"In consequence of this Order, sir "Francis Pemberton and sir Tho. Jones, "who had been two of the judges of the "court of King's Bench at the time when "the judgment was passed, were heard "in their defence; and afterwards committed to the serjeant at arms, for their "breach of the privileges of this House, "by giving judgment to over-rule the "plea to the jurisdiction of the court of "King's Bench."

Your Committee think it proper to state, That sir Francis Pemberton and sir Thomas Jones, in defending themselves at the bar of this House for their conduct in over-ruling the plea to their jurisdiction in the actions of Jay *v.* Topham, &c. defended the judgment they had given, by resting upon the nature of the pleading, and not by denying the jurisdiction or authority of this House; and sir Francis Pemberton expressly admitted, that for any thing transacted in this House, no other court had any jurisdiction to hear and determine it.

Your Committee in the next place think it expedient to state to the House, that there are various instances in which persons committed by the House of Commons have been brought up by Habeas Corpus before the judges and courts of common law; and in these cases, upon its appearing by the return to the Habeas Corpus that they were committed under the Speaker's warrant, they have been invariably remanded.

3.—Having stated these instances of the manner in which the acts and commitments of this House have been brought into judgment in other Courts, and the consequences of such proceedings; Your Committee further think it proper, and in some degree connected with this subject, to advert to the course which was adopted for staying proceedings in suits brought against members and their servants, while they were protected from such suits during the sitting of parliament.

The roll of parliament 8 Ed. 2. affords the earliest trace which your Committee has found upon this subject.* It is a writ from the King confirmatory of the privilege of being free from suits in time of parliament, and is in the following words: "Rex mandavit justiciaries suis ad assisas jurat: &c. capiend. assignat: quod supesedeant captioni corandem ubi comites barónes et alii summonati ad parl'regis sunt partes quamdiu dictum parliamentum duraverit."

There have been various modes of proceeding to enforce this privilege. In Dewes's journal, p. 436. 31 Eliz. 1588—1589, Friday 21st of February, your Committee find the following entry: "Upon "a Motion made by Mr. Harris, that "divers members of this House having "writs of Nisi prius brought against them, "to be tried at the assizes in sundry "places of this realm to be holden and "kept in the circuits of this present vacation, and that writs of supersedeas might "be awarded in those cases in respect of "the privilege of this House due and appertaining to the members of the same; "it is agreed, that those of this House "which shall have occasion to require "such benefit of privilege in that behalf, "may repair unto Mr. Speaker, to declare unto him the state of their cases, "and that he, upon his discretion (if the "cases shall so require) may direct the "warrant of this House to the lord chancellor of England, for the awarding of "such writs of supersedeas accordingly."

But the House used to stay also proceedings by its own authority; sometimes by sending the Serjeant at Arms to deliver the person arrested out of custody; and sometimes by letter from the Speaker to the judges before whom the cause was to be tried. Of this latter mode of proceeding, your Committee find many instances previous to the 3d of Charles 1. Your Committee find a decision † against the authority of such a letter, in the court of King's bench, which is reported in the marg. of Dyer's Reports, p. 60 and in Latch, pp. 48 & 150. And shortly after the refusal by the court of King's bench to notice this letter from the Speaker, the parliament was dissolved. There are, however, many other instances of this course of proceeding after the restoration, and in the instance of lord Newburgh (23 February 1669) the House ordered the proceedings to outlawry to be staid during the sessions, and the record of the exigents to be vacated and taken off the file. ix. Com. Jour. p. 120.

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* 4 Co. Inst. 24.

† Hodges v. Moor, Trin. 3 Car. 1.

The last instance which your Committee find of such letters having been written, occurs in the lord Bulkeley's case [x. Com. Jour. p. 537.] in 1691, in which the Speaker is directed to write a letter to the Prothonotary that he do not make out, and to the sheriff of the county of Pembroke that he do not execute any writ, whereby the lord Bulkeley's possessions may be disturbed, until Mr. Speaker shall have examined and reported the matter to the House, and this House take further order thereon. By the 12 & 13 W. 3. c. 3. this privilege was curtailed; and further by Stat. 2 & 3 Ann, c. 18.—11 Geo. 2. c. 24.—10 Geo. 3. c. 50.

Lord chief justice De Grey says in Crosby's case, "If a member was arrested "before the 12 & 13 W. 3. the method "in Westminster hall was to discharge "him by writ of privilege under the "great seal, which was in the nature of a "supersedeas to the proceeding. The "statute of William has now altered this, "and there is no necessity to plead the "privilege of a member of parliament."

All these acts merely apply to proceedings against members in respect of their debts and actions as individuals, and not in respect of their conduct as members of parliament; and therefore they do not in any way abridge the ancient law and privilege of parliament so far as they respect the freedom and conduct of members of parliament as such, or the protection which the House may give to persons acting under its authority.

4.—Upon the whole, it appears to your Committee, that the bringing these actions against the Speaker, and the Serjeant, for acts done in obedience to the orders of this House, is a breach of privileges of this House.

And it appears, that in the several instances of actions commenced in breach of the privileges of this House, the House has proceeded by commitment, not only against the party, but against the solicitor and other persons concerned in bringing such actions; but your Committee think it right to observe, that the commitment of such party, solicitor, or other persons, would not necessarily stop theproceedings in such action.

That as the particular ground of action does not necessarily appear upon the writ or upon the declaration, the court before which such action is brought cannot stay the suit or give judgment against the plaintiff, till it is informed by due course of legal proceeding that such action is brought for a thing done by order of the House.

And it therefore appears to your Committee, that even though the House should think fit to commit the solicitor or other person concerned in commencing these actions; yet it will still be expedient that the House should give leave to the Speaker and the Serjeant to appear to the said actions, and to plead to the same; for the purpose of bringing under the knowledge of the court, the authority under which they acted; and if the House should agree with that opinion, your Committee submits to the House, whether it would not be proper that directions should be given by this House, for defending the Speaker and the Serjeant, against the said actions.

SECOND REPORT FROM THE SELECT COMMITTEE ON PROCEEDINGS RELATIVE TO SIR FRANCIS BURDETT.—*Ordered, by the House of Commons, to be printed,* [*as amended on Re-commitment*] 15*th June* 1810.

The SELECT COMMITTEE appointed to consider of the Proceedings had, and to be had, with reference to the several Papers signed "Francis Burdett;"—the Contents of which related to his being apprehended and committed to the Tower of London, and which Papers were communicated to the House, by Mr. Speaker, upon the 13th and 17th days of April last;—and to report such Facts, as they may think necessary, together with their Opinion thereupon, from time to time, to the House;—And to whom the matters stated by the Serjeant at Arms attending the House, and the

Process served upon him in an Action at Law by Sir Francis Burdett;—and also the Summons served on Mr. Speaker, and the Notice of Declaration delivered to the Serjeant at Arms, at the Suit of the said Sir Francis Burdett; were referred;—And to whom the Report was again re-committed, which was made from the said Committee;——Have, pursuant to the Orders of the House, further considered the Appendix to the said Report, and corrected some of the References to the Authorities therein cited; and have agreed to the following Report;

Your committee, resuming the consideration of the principal matters reserved in their former report, do not think it necessary to state all the various precedents which are to be found of the exercise of the power of commitment by the House of Commons for breaches of privilege and contempt in general, conceiving that to be a power too clear to be called in question, and proved, if proof were necessary, by the same precedents, which they have collected with a view to the point to which they have more immediately directed their attention, and which precedents are subjoined to their report.

The cases which your committee have selected as most directly connected with the subject referred to them, are those of commitments for libel, an offence which tends to excite popular misapprehension and disaffection, endangers the freedom of the debates and proceedings in parliament and requires the most prompt interposition and restraint. The effect of immediate punishment and example is required to prevent the evils necessarily arising from this offence, which evil it is obvious would be much less effectually guarded against by the more dilatory proceedings of the ordinary courts of law; nevertheless upon some occasions the House of Commons have proceeded against persons committing such offences, by directing prosecutions, or by addressing his Majesty to direct them, as appears by the precedents collected in the Appendix.

From the series of precedents which your committee find on your journals, it will most clearly appear that the House of Commons have treated libels as contempts; that they have frequently punished the authors and publishers of them by commitment, whether those authors and publishers were or were not members of the House; and that this power has been exercised at all times, as far back as the journals afford an opportunity of tracing it. And your committee cannot forbear observing, that the precedents subjoined to their report establish this law of parliament, upon the ground and evidence of an immemorial usage, as strong and satisfactory as would be held sufficient in a court of law, for the establishment of any legal right.

Your committee also beg leave to observe, that the general power of commitment was solemnly asserted by the House of Commons in 1675, and in their resolutions of 1701; and was also claimed by the House of Commons, and admitted by the House of Lords in the most explicit terms, in the conference between the two Houses, in the case of Ashby and White, in 1704; although other points arising in that case were strongly controverted between the two Houses.

Your committee further state, that it has been recognized by legal authority, and by the most solemn decisions of the courts of law on various occasions, whenever any question upon it has been brought before them:

By eleven of the judges—in the case of the Aylesbury men. 2 lord Raym. p. 1105. 3 Wils. p. 205.

By the court of King's bench—in Murray's case. 1 Wils. p. 299. 1751.

By the court of Common Pleas—in the case of Brass Crosby. 3 Wils. p. 203. 1771.

By the court of Exchequer—in the case of Oliver. 1771.

And that this power of commitment by either House of Parliament, was further recognized by the court of King's bench in the case of Benjamin Flower, 8 Term Reports, p. 323, who had been committed by the House of Lords. And your committee have not found the authority of a single decision to the contrary in any court whatever.

Your committee also beg leave to state, that the judges of the common law have considered libels upon their courts or the proceedings in judicature as contempts, and have frequently punished the authors and publishers of them by summary commitment. This appears from various instances stated in the Appendix which have occurred both in courts of law and equity.

Amongst the judges who have concurred in those decisions, upon the power of parliament and of the courts of law and equity to commit for such contempts, are to be found lawyers the most distinguished for their zealous regard for the liberty of the subject, and the most upright, able and enlightened men that ever adorned the seat of justice; and the doctrines laid down by them all coincide with the opinion solemnly delivered by lord chief justice De Grey in Crosby's case, that the power of commitment is "inherent in the "House of Commons from the very na-"ture of its institution, and that they can "commit generally for all contempts." 3 Wils. p. 198.

Under all these circumstances, your Committee can have no hesitation in submitting their decided opinion, that the power of Commitment for a libel upon the House, or upon its members, for or relative to any thing said or done therein, is essential to the freedom of debate, to the independence of Parliament, to the security of the liberty of the subject, and to the general preservation of the State.

This power is in truth part of the fundamental law of Parliament; the law of Parliament is the law of the land; part of the lex terræ, mentioned in Magna Charta, where it is declared, that "no freeman shall be taken or imprisoned but by lawful judgment of his peers, or by the law of the land;" and it is as much within the meaning of these words, "the law of the land," as the universally acknowledged power of commitment for contempt by the Courts of justice in Westminster Hall, which Courts have inherent in them the summary power of punishing such contempts by commitment of the offenders, without the intervention of a jury.

Your Committee therefore are of opinion, That this power is founded on the clearest principles of expediency and right, proved by immemorial usage, recognized and sanctioned by the highest legal authorities, and analogous to the power exercised without dispute by Courts of justice; that it grew up with our constitution; that it is established and confirmed as clearly and incontrovertibly as any part of the law of the land, and is one of the most important safeguards of the rights and liberties of the people.

APPENDIX.

Appendix (A.)

Precedents of Commitments for Words and Publications, Speeches, &c. reflecting on the Proceedings of the House.

I.—*From the beginning of the Journals, to the Commonwealth.*

1559.—Trower.—For contumelious words against the House.—To the Serjeant—i Jour. 59.

1580.—Hall, a Member.—For publishing a book against the authority of the House.—To the Tower, also fined and expelled—i Jour. 122, 124, 125, 126, 132.

1625.—Montague.—For a great contempt against the House for publishing a book traducing persons for petitioning the House.—To the Serjeant—i Jour. 805, 806.

1628.—Lewes.—For words spoken against the last Parliament.—To the Serjeant—i Jour. 922.

1628.—Aleyn.—For a libel on last Parliament.—To the Serjeant—i Jour. 925.

1640.—Piers.—Archdeacon of Bath, for abusing the last Parliament.—To the Serjeant—ii Jour. 63.

1640.—Preston.—Scandalous words against this House.—To the Gatehouse—ii Jour. 71.

N. B.—The King did not leave London till the 10th of January 1641. In the year preceding there are very many cases of strangers committed for contemptuous words spoken against the Parliament.

II.—*Precedents of the like nature, from the Restoration to the Revolution.*

1660.—Lenthall, a Member.—For words in the House against the preceding Parliament—To the Serjeant—viii Jour. 24.

—Drake.—For a pamphlet reflecting on the Parliament; and impeached.—To the Serjeant—viii Jour. 183. 185, 186.

—Cranford. Ditto, Ditto, viii Jour. 193.

1661.—Gregory and Withers.—For pamphlets reflecting on the justice of the House.—To the Tower—viii Jour. 368.—They were prisoners in Newgate, and were committed to the Tower, and ordered into close custody.

1662—Green. Ditto, To the Serjeant—Ibid. 446.

1670—Woodward.—For a breach of Privilege against a Member, and speaking contemptuous words against this House.—To the Serjeant—ix Jour. 147.

1675.—Howard.—For a scandalous paper, and a breach of the Privilege of the House.—To the Tower—ix Jour. 364.

1680.—Sir Robert Cann, a Member.—For words in the House, reflecting on a Member, brought to the bar, and received a reprimand from the Speaker:—And for words spoken out of the House—committed and expelled.—To the Tower—ix Jour. 642.

1680.—Yarington and Groome.—For a pamphlet against a Member.—To the Serjeant—ix Jour. 654, 656.

1685.—Cooke, a Member.—For words in the House.—To the Tower—ix Jour. 760.

III.—*Precedents, &c. from the Revolution to the end of King William.*

1689.—Christopher Smelt.—Spreading a false and scandalous report of sir Peter Rich, a Member.—To the Serjeant, 29th July—x Jour. 244.

1690.—W. Briggs.—Contemptuous words and behaviour, and scandalous reflections upon the House and upon Sir Jonathan Jennings, a Member thereof.—To the Serjeant, 18th Dec.—x Jour. 512.

1691.—Richard Baldwin.—Printer of a pamphlet entitled, "Mercurius Reformatus," reflecting on the proceedings of the House.—To the Serjeant, 9th and 21st Nov.—x Jour. 548, 558.

1693.—William Soader.—Affirming and reporting that Sir Francis Massam, a Member, was a pensioner.—To the Serjeant, 9th Mar.—xi Jour. 123.

1695.—Sir George Meggot.—Having scandalized the House, in declaring that without being duly chosen he had friends enough in the House to bring him into the House.—To the Serjeant, 27th Dec.—xi Jour. 371.

1696.—John Manley.—A Member, for words in the House.—To the Tower, 9th Nov. xi Jour. 581.

1696.—Francis Duncombe.—Having declared before two witnesses that he had distributed money to several Members of the House, and afterwards denied it before a Committee of the House.—To the Serjeant, 5th Jan.—xi Jour. 651.

1696.—John Rye.—Having caused a libel, reflecting on a Member of the House, to be printed and delivered at the door.—To the Serjeant, 11th Jan.—xi Jour. 656.

1699.—John Haynes.—For being the occasion of a letter being written, reflecting upon the honour of the House, and of a Committee.—To the Serjeant, 24th Jan.—xiii Jour. 141.

1701.—Thomas Colepeper.—Reflections upon the last House of Commons.—To Newgate, Feb. 7.—xiii Jour. 735.—And Attorney General ordered to prosecute him for his said crimes.

IV.—*Precedents of the like nature, from* 1701 *to* 1809.

1703.—John Tutchin, John How, Benjamin Bragg.—As Author, Printer, and Publisher of a printed paper, entitled, "The Observator," reflecting upon the Proceedings of the House.—To the Serjeant, 3d Jan.—xiv Jour. 270.

1704.—James Mellot.—False and scandalous reflections upon two Members.—To the Serjeant, 9th Mar.—xiv Jour. 565.

—Edward Theobalds.—Scandalous reflections upon a Member.—To the Serjeant, 2d Mar.—xiv Jour. 557.

1712.—Samuel Buckley.—As Printer of a pretended Memorial printed in the "Daily Courant," reflecting upon the Resolutions of the House.—To the Serjeant, 11th Apr.—xvii Jour. 182.

1715.—E. Berrington, J. Morphew.—As Printer and Publisher of a pamphlet, entitled, "The Evening Post," reflecting on His Majesty and the two Houses of Parliament.—To the Serjeant, 1st July—xviii Jour. 195.

1729.—Richard Corbet.—Reflecting upon the Proceedings and the authority of a Committee.—To the Serjeant, 31st Mar.—xxi Jour. 307.

1733.—William Noble.—Asserting that a Member received a pension for his voting in Parliament.—To the Serjeant, 19th Feb.—xxii Jour. 245.

1740.—William Cooley, John Meres, John Hughes.—As Author, Printer, and Publisher of papers reflecting upon His Majesty's Government, and the Proceedings of both Houses of Parliament. Cooley to Newgate, 2d Dec.; Meres and Hughes, To the Serjeant, 3d December—xxiii Jour. 545, 546, 547.

1746.—Samuel Johns.—Author of a printed paper containing impudent reflections on the Proceedings of the House.—To the Serjeant, 13th May—xxv Jour. 154.

1768.—Dennis Shade.—Sticking up a paper to inflame the minds of the people against the House.—To the Serjeant, 9th of December—xxxii Jour. 97.

1768—Joseph Thornton.—Giving directions for sticking up the above-mentioned paper.—To Newgate, 10th Dec.

1771.—Henry Baldwin, Thomas Wright.—Printing the Debates, and misrepresenting the Speeches of Members.—To the Serjeant, 14th March—xxxiii Jour. 258, 259.

1774.—H. S. Woodfall.—For publishing a Letter highly reflecting on the character of the Speaker.—To the Serjeant, 14th February—xxxiv. Jour. 456.

1805.—Peter Stuart.—For printing in his Paper libellous reflections on the character and conduct of the House.—To the Serjeant, 26th April—lx Jour. 217.

Appendix (B.)

Cases since 1697, of Prosecutions at Law against Persons for Libels, &c. upon the House of Commons or any of its Members; and whether by Order or Address.

1699.—Edward Stephen.—Libel on the House, and on an individual Member.—By Order, 27th February—xiii Jour. 230.

1701.—Thomas Colepeper.—A Letter to the Freeholders and Freemen of England, aspersing the House.—By Order, 7th February—xiii Jour. 735.

1702.—Mr. Lloyd.—Aspersing the character of a Member.—By Order, 18th November—xiv Jour. 37.

1702.—Dyer.—Misrepresenting the Proceedings of the House.—By Order, 26th February—xiv Jour. 207, 208.

1740.—John Meres.—"The Daily Post."—Highly and injuriously reflecting upon an act of Government, and the Proceedings of both Houses of Parliament.—By Address, 3d Dec.—xxiii Jour. 546.

1750—Author, Printer and Publisher.—Publishing paper, entitled, "Constitutional Queries," grossly reflecting on the House.—By Address, 22d Jan.—xxvi Jour. 9.

1751.—Authors, Printers and Publishers.—The case of the Honourable Alexander Murray.—Aspersing the Proceedings of the House, and tending to create misapprehensions of the same in the minds of the people.—By Address, 20th Nov.—xxvi Jour. 304.

1774.—Author, Printers and Publishers.—Publishing paper called the "South Briton," reflecting on the House.—By Order, 16th February—xxxiv Jour. 464.

1788.—Authors, Printers and Publishers.—"The Morning Herald, The Gazetteer, and New Daily Advertiser."—Grossly reflecting on the House and the Members, and tending to prejudice the defence of a person answering at the Bar.—By Address, 8th February—xliii Jour. 213.

1788.—Authors, Printers and Publishers.—"Review of the Principal Charges against Warren Hastings," &c.—Highly disrespectful to His Majesty, and the House; and indecent Observations reflecting on the motives which induced the House to prefer the Impeachment against Warren Hastings.—By Address, 15th February—xliii Jour. 232.

1789.—Printer and Publisher—"The World"—Containing matter of scandalous and libellous nature, reflecting on the Proceedings of the House—By Address, 16th June—xliv Jour. 463.

1795.—John Reeves.—As author of a pamphlet, entitled, "Thoughts on the English Government;" which was adjudged by the House to be a malicious, scandalous, and seditious libel, containing matter tending to create jealousies and divisions among His Majesty's loyal subjects; to alienate their affections from our present happy form of Government in King, Lords, and Commons, and to subvert the true principles of our free Constitution; and to be a high breach of the Privileges of the House.—By Address, 15th December—li Jour. 119, 235.

Appendix (C.)

Claim and Recognition of the Privileges of Parliament, and the Power of Commitment.

11 Rich. 2.—Rot. Parl. Vol. iii. p. 244.

En ycest Parlement, toutz les seign'rs si bien espiritels come temporels alors presentz clamerent come lour libertee & franchise, q'les grosses matires moevez en cest Parlement, & a movers en autres Parlementz en temps a venir, tochantz Pieres de la terre, serroient demesnez, ajuggez, & discus par le cours de Parlement, & nemye par la loy civile, ne par la commune ley de la terre, usez en autres plus bas Courtes du roialme: quell claym, liberte, & franchise le Roy lour benignement alloua & ottroia en plein Parlement.

32 Hen. 6.—Rot. Parl. vol. v. p. 239.—Thorp's Case.

The seid lordes spirituelx and temporelx not entendyng to empeche or hurt the libertees and privilegges of theym that were com'en for the Commune of this lande to this present Parlement, but egally after the cours of lawe to mynystre justice, and to have knowlegge what the lawe will wey in that behalve, opened and declared to the justices the premissez, and axed of them whether the seid Thomas ought to be delivered from prison, by force and vertue of the privelegge of Parlement or noo. To the which question the chefe Justcez, in the name of all the Justicez, after sadde communication and mature deliberation hadde among theim, aunswered and said, that they ought not to aunswere to that question, for it hath not be used afore tyme that the Justicez should in eny wyse determine the privilegge of this high Court of Parlement.

4 Hen. 8.—The original Roll in the Parliament office.—Stroude's Case.

This is the act conc'nyng Richard Stroude for matt's resoned in the P'liament.—The Act begins by reciting the petition of Rd. Stroude, and after that recital proceeds thus:

Henry. R. Soit baill aux Senio's.

And on that be it inacted by the seide autorite, That al suts, accusementis, condempnacons, execucions, fynys, am'ciamentis, punysshements, correccons, grev'ncez, charges, & impositions putt or hadde or her aft' to be put or hadde unto or apon the seide Richard, and to every other of the p'son or p'sons afore specyfyed that nowe be of this p'sent P'liament or that of any P'liament her after shall be for any bylle speyking, reasonyng or declarying off any mat' or maters conc'nying the P'liament to be comenced and treated off, be utt'ly voyde & of none effecte, and on that be hyt inacted by the seide autorite, That if the seide Richard Strode or any of all the seide other p'son or persons her after be vexy'd, trobeled or other wyse charged for any causes as is aforesaide, that then he or they & every of them so vexed or troubled off and for the same, have acc'on upon the case agaynste ev'ry such p'son or p'sons so vexying or trobelying any cot'rie to this ordin'ns & p'vision, in the whych acc'on the p'tie greyvd shall be recov' treby'll damages & costis & that no p'teccon, essouie nor wager of lawe yn the seide acc'on in anywise be admytted nor receyvid.

A Ce'st Bill Ley Seinos ss Assent.

1606.—Com. Journ. vol. i. p. 349.

The Commons tell the Lords "that they doubt not, but the Commons House is a Court, and a Court of Record."

1620.—Com. Journ. vol. i. p. 545.

In a Report of precedents by sir Edward Coke, it is agreed, "The House of Commons, alone, hath a power of punishment, and that judicial."—Hall's Case 23 Eliz., and Long's Case 5th Eliz. cited.

1675, June 4th.—Com. Journ. vol. ix. p. 354.

In the matter of the appellant jurisdiction of the House of Lords, the Commons assert their right "to punish by imprisonment a Commoner that is guilty of violating their privileges, that being according to the known laws and custom of Parliament and the right of their privileges declared by the King's royal predecessors in former Parliaments and by himself in this;" and "that neither the great Charter, the Petition of Right, nor any other laws, do take away the law and custom of Parliament, or of either House of Parliament."

1701.—Vol. xiii. p. 767.—Kentish Petition.

Resolved, That it is the opinion of this Committee, that to assert the House of Commons have no power of commitment, but of their own members, tends to the subversion of the Constitution of the House of Commons.

Resolved, That it is the opinion of this Committee, That to print or publish any books or libels reflecting upon the proceedings of the House of Commons, or any member thereof, for or relating to his service therein, is a high violation of the rights and privileges of the House of Commons.

Ashby and White.

Conferences between the two Houses.

The Commons at the second conference with the Lords re-assert their Resolution of 1701:

"For it is the ancient and undoubted right of the House of Commons to commit for breach of privilege; and the instances of their committing persons (not members of the House) for breach of privilege, and that to any her Majesty's prisons, are ancient, so many, and so well known to your Lordships, that the Commons think it needless to produce them."—Lords Journ. vol. xvii. p. 709.

Lords Journ. vol. xvii. p. 714.

The Lords in answer say,—"The Lords never disputed the Commons power of committing for breach of privilege, as well persons who are not of the House of Commons as those who are," &c.

Appendix (D.)

Recognition of the Law and Privileges of Parliament, and of the power of the House of Commons to commit for contempt, by Legal Authorities. And by the Decision of Courts of Justice.

Coke, 4 Inst. fo. 15.

Lord Coke observes, upon the claim of the lords, in 11 of Rich. 2. sanctioned by the King (as stated in the first paragraph of Appendix C.) under the head of 'Lex 'et consuetudo Parliamenti;' as followeth —"And as every court of justice hath "laws and customs for its direction, some "by the common law, some by the civil "law and common law, some by peculiar "laws and customs, &c. so the high court "of Parliament—'suis proprijs legibus et "'consuetudinibus subsistit.'—It is 'lex "'et consuetudo Parliamenti' that all "weighty matters in any Parliament, "moved concerning the peers of the "realm, or Commons in Parliament "assembled, ought to be determined, adjudged, and discussed by the course of "Parliament, and not by civil law, nor "yet by the common laws of this realm "used in inferior courts; which was so "declared to be—'secundum legem et "'consuetudinem Parliamenti'—concerning the peers of this realm, by the King, "and all the Lords spiritual and temporal: "And the like, *pari ratione,* is for the "Commons for any thing moved or done "in the House of Commons."

Coke, 4 Inst. fo. 50.

And on another occasion, in treating of the laws, customs, liberties and privileges of the court of Parliament, which he saith, "hath been much desired, and "are the very heart-strings of the commonwealth;" lord Coke says,—"All "the justices of England and barons of "of the Exchequer, are assistants to the "lords to inform them of the common "law, and thereunto are called severally "by writ: neither doth it belong to them "(as hath been said) to judge of any "law, custom, or privilege of Parliament: "And to say the truth, the laws, customs, "liberties, and privileges of Parliament, "are better to be learned out of the rolls "of Parliament, and other records, and "by precedents and continued experience, "than can be expressed by any one man's "pen."

26 Car. II.—1674.—State Trials, vol. vii. p. 449.—Soame's Case.

Lord Chief Justice North said,—"I can "see no other way to avoid consequences "derogatory to the honour of the Parliament, but to reject the action; and all "others that shall relate either to the proceedings or privilege of Parliament, as "our predecessors have done.

"For if we should admit general remedies in matters relating to the Parliament we must set bounds how far they "shall go, which is a dangerous province; "for if we err, privilege of Parliament "will be invaded, which we ought not in "any way to endamage."

1675.—State Trials, vol. ii. p. 622.— Earl of Shaftesbury's Case.

In the Case of the Earl of Shaftesbury, who was committed by the House of Lords, "for high contempts committed against "the House," on being brought up to the King's Bench on the return of an Habeas Corpus, the court unanimously determined against entertaining the case; when Rainsford, chief justice, said, "This "court has no jurisdiction of the cause, "and therefore the form of the return "is not considerable. We ought not to "extend our jurisdiction beyond its limits, "and the actions of our ancestors will not "warrant such an attempt.

"The consequence would be very mischievous, if this court should deliver a "member of the House of Peers and Commons who are committed, for thereby "the business of Parliament may be retarded; for it may be the commitment "was for evil behaviour, or indecent reflections on other members, to the "disturbance of the affairs of Parliament.

"The commitment in this case is not "for safe custody; but he is in execution "of the judgment given by the lords for "contempt; and therefore, if he should be "bailed, he would be delivered out of execution; for a contempt *in facie curiæ*, "there is no other judgment or execution.

"This court has no jurisdiction, and "therefore he ought to be remanded. I "deliver no opinion whether it would be "otherwise in case of a prerogative."

1751, Feb. 7th.—1 Wilson, p. 200.— Murray's Case.

When he was brought up to the King's Bench by a Habeas Corpus, and the court unanimously refused to discharge him, Mr. Justice Wright said, "It appears upon the "return of this Habeas Corpus, that Mr. "Murray is committed to Newgate by "the House of Commons, for an high "and dangerous contempt of the privileges of that House; and it is now insisted on at the bar, that this is a bailable case, within the meaning of the Habeas Corpus act.

"To this I answer, that it has been determined by all the judges to the contrary; that it could never be the intent "of that statute to give a judge at his "chamber, or this court, power to "judge of the privileges of the House of "Commons.

"The House of Commons is undoubtedly an high court; and it is agreed on "all hands that they have power to judge "of their own privileges; it need not appear to us what the contempt was for; "if it did appear, we could not judge "thereof.

"Lord Shaftesbury was committed for "a contempt of the House; and being "brought here by an Habeas Corpus, "the court remanded him; and no case "has been cited wherever this court interposed.

"The House of Commons is superior "to this court in this particular; this "court cannot admit to bail a person "committed for a contempt in any other "court in Westminster Hall."

Dennison, Justice.—"This court has "no jurisdiction in the present case. We "granted the Habeas Corpus, not knowing what the commitment was; but "now it appears to be for a contempt "of the privileges of the House of Commons: what those privileges (of either "House) are, we do not know; nor need "they tell us what the contempt was, because we cannot judge of it; for I must "call this court inferior to the House of "Commons with respect to judging of "their privileges, and contempts against "them. I give my judgment so suddenly, "because I think it a clear case, and re-"quires no time for consideration."

Foster, Justice.—"The law of Parlia-"ment is part of the law of the land; "and there would be an end of all law "if the House of Commons could not "commit for a contempt. All courts of "record (even the lowest) may commit "for a contempt; and lord Holt, though "he differed with the other judges, yet "agreed the House might commit for a "contempt in the face of the House. As "for the prisoner's illness, we can take no "notice of it, having no power at all in "this case."

The prisoner was remanded.

1771.—3 Wils. 188.—Crosby's Case.

In the year 1771, Brass Crosby, esq. the Lord Mayor, who was commited to the Tower by order of this House, under the Speaker's Warrant, on 25th March 1771, was brought up by Habeas Corpus before the court of Common Pleas in Easter Term. The question was fully argued, and, by the unanimous judgment of the court, he was remanded.

The lord chief Justice de Grey, in giving the opinion of the court, stated, "That this power (viz. of commitment) "must be inherent in the House of Com-"mons, from the very nature of its institu-"tion; and therefore is part of the law "of the land. They certainly always "could commit in many cases; in matter "of Elections, they can commit sheriffs, "mayors, officers, witnesses, &c. and "it is now agreed, that they can commit "generally for all contempts. All con-"tempts are either punishable in the court "contemned or in some higher court. "Now the Parliament has no superior "court; therefore the contempt against "either House can only be punished by "themselves."

"The stat. of James 1. cap. 13. suffici-"ently proves that they have power to "punish it, in these words: 'Provided "always, that this act or any thing therein "contained shall not extend to the dimin-"ishing of any punishment to be here-"after by censure in parliament inflicted "upon any person which hereafter "shall make or procure to be made "any such arrest as aforesaid;' so "that it is most clear that the legisla-"ture have recognized this power of the "House of Commons. In the case of the "Aylesbury men, the counsel admitted, "lord chief justice Holt owned, and the "House of Lords acknowledged, that the "House of Commons had power to com-"mit for contempt or breach of privilege. "Indeed it seems they must have power "to commit for any crime. When "the House of Commons adjudge any "thing to be a contempt or a breach of "privilege, their adjudication is a convic-"tion, and their commitment in conse-"quence an execution; and no court "can discharge or bail a person that is "in execution by the judgment of any "other court."

And he concluded his judgment in these words:

"I am perfectly satisfied that if lord "Holt himself were to have determined it, "the lord mayor would have been re-"manded. In the case of Mr. Murray, "the judges could not hesitate concerning "the contempt by a man who refused to "receive his sentence in a proper posture; "all the judges agreed, that he must be "remanded, because he was committed "by a court having competent jurisdic-"tion. Courts of justice have no cogniz-"ance of the acts of the Houses of Parlia-"ment, because they belong *ad aliud exa-"men*. I have the most perfect satisfac-"tion in my own mind in that determi-"nation. Sir Martin Wright, who felt "a generous and distinguished warmth "for the liberty of the subject; Mr. "Justice Dennison, who was so free from "connection and ambition of every kind; "and Mr. Justice Foster, who may be "truly called the Magna Charta of liberty, "of persons as well as fortune; all these "revered judges concurred in this point. "I am therefore clearly and with full sa-"tisfaction of opinion, that the lord mayor "must be remanded."

Gould, Justice.—"I entirely concur in "opinion with my lord chief justice, that "this court hath no cognizance of con-"tempts or breach of privilege of the "House of Commons; they are the only "judges of their own privileges: and "that they may be properly called judges, "appears in 4 Inst. 47. where my lord "Coke says, an alien cannot be elected of "the Parliament, because such a person "can hold no place of judicature. Much "stress has been laid upon an objection, "that the Warrant of the Speaker is not "conformable to the order of the House;

and yet no such thing appears upon the return, as has been pretended. The order says, that the lord mayor shall be taken into the custody of the serjeant or his deputy; it does not say, by the serjeant or his deputy. This court cannot know the nature and power of the proceedings of the House of Commons; it is founded on a different law; the *lex et consuetudo Parliamenti* is known to Parliament men only. Trewynnard's case, Dier, 59, 60. When matters of privilege come incidentally before the court, it is obliged to determine them, to prevent a failure of justice. It is true this court did, in the instance alluded to by the counsel at the bar, determine upon the privilege of Parliament in the case of a libel; but then that privilege was promulged and known; it existed in records and law books, and was allowed by Parliament itself. But even in that case, we now know that we were mistaken; for the House of Commons have since determined, that privilege does not extend to matters of libel. The cases produced respecting the high commission court, &c. are not to the present purpose, because those courts had not a legal authority. The resolution of the House of Commons is an adjudication, and every court must judge of its own contempts.

Blackstone, Justice.—"I concur in opinion, that we cannot discharge the lord mayor. The present case is of great importance, because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts, more especially with respect to their own members.—Here is a member committed in execution by the judgment of his own House. All courts, by which I mean to include the two Houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempts, and the punishment thereof, in any manner, belongs exclusively, and without interfering, to each respective court. Infinite confusion and disorder would follow, if courts could by writ of Habeas Corpus examine and determine the contempts of others. This power to commit results from the first principles of justice; for if they have power to decide, they ought to have power to punish. No other court shall scan the judgment of a superior court, or the principal seat of justice. As I said before, it would occasion the utmost confusion, if every court of this hall should have power to examine the commitments of the other courts of the hall for contempts; so that the judgment and commitment of each respective court as to contempts, must be final and without control. It is a confidence that may, with perfect safety and security, be reposed in the judges and the Houses of Parliament. The legislature since the Revolution (see 9 & 10 W. 3, c. 15.) have created many new contempts. The objections which are brought, of abusive consequences, prove too much, because they are applicable to all courts of dernier resort: 'et ab abusu ad usum non valent consequentia,' is a maxim of law as well as of logic. General convenience must always outweigh partial inconvenience; even supposing (which in my conscience, I am far from supposing) that in the present case the House has abused its power. I know, and am sure that the House of Commons are both able and well inclined to do justice. How preposterous is the present murmur and complaint! The House of Commons have this power only in common with all the courts of Westminster hall: and if any persons may be safely trusted with this power, they must surely be the Commons, who are chosen by the people; for their privileges and powers are the privileges and powers of the people. There is a great fallacy in my brother Glynn's whole argument, when he makes the question to be, Whether the House have acted according to their right or not? Can any good man think of involving the judges in a contest with either House of Parliament, or with one another? And yet this manner of putting the question would produce such a contest. The House of Commons is the only judge of its own proceedings. Holt differed from the other judges in this point, but we must be governed by the eleven, and not by the single one. It is a right inherent in all supreme courts; the House of Commons have always exercised it. Little nice objections of particular words, and forms and ceremonies of execution, are not to be regarded in the acts of the House of Commons; it is our duty to presume the orders of that House, and their execution, are according to law. The Habeas Corpus in Murray's case "was at common law. I concur intirely with my lord chief justice."

1771.—Oliver's Case.

And in Mr. Alderman Oliver's case, argued in the court of Exchequer on the 27th of April 1771, the four judges, Chief Baron Parker, Mr. Baron Smythe, Mr. Baron Adams, and Mr. Baron Perrot, unanimously acknowledged in like manner the right of the House of Commons to commit.

1779.—Durnford and East's Report, K. B.

Book 8. p. 314.

Flower's Case.

In the case of Flower, committed by the House of Lords, for a libel on the Bishop of Landaff, on his being brought up to the King's Bench upon Habeas Corpus,

Lord Kenyon, Chief Justice, said—"If we entertained any doubts upon this subject, it would be unbecoming in us to rush to a speedy decision without looking through all the cases cited by the defendant's counsel; but not having any doubts, I think it best to dispose of the case at once. The cases that have been referred to are all collected in lord Hale's treatise on the jurisdiction of the Lords' House of Parliament, and that valuable preface to it published by Mr. Hargrave; but in the whole of that publication the defendant's counsel has not found one case applicable to the present. This is one of the plainest questions that ever was discussed in a court of law. Some things, however, have dropped from the learned counsel, that require an answer:—First, it is said that the House of Lords is not a court of record. That the House of Lords when exercising a legislative capacity is not a court of record, is undoubtedly true; but when sitting in a judicial capacity, as in the present case, it is a court of record. Then it was objected, that the defendant was condemned without being heard in his defence: but the warrant of commitment furnishes an answer to that; by that it appears, that 'he was informed of the complaint made against him,' &c. and having been heard as to what he had to say in answer to the said complaint, &c. he was adjudged 'guilty of a high breach of the privileges of the House,' &c. so that it clearly appears that he was heard in his defence, and had the same opportunity of calling witnesses, that every other defendant has in a court of justice. Then insinuations are thrown out against the encroachments by the House of Lords on the liberties of the subject: but the good subjects of this country feel themselves protected in their liberties by both Houses of Parliament. Government rests in a great degree on public opinion; and if ever the time shall come, when factious men will overturn the government of the country, they will begin their work by calumniating the courts of justice and both Houses of Parliament.

"The ground of this proceeding is, that the defendant has been guilty of a breach of privileges of the House, and a contempt of the House. This claim of right to punish by fine and imprisonment for such an offence, is not peculiar to the House of Lords; it is frequently exercised by this and other courts of record, and that not merely for contempts committed in the presence of the court; one instance of which was that of Mr. Beardmore* under sheriff of Middlesex, for a contempt of the court in not executing part of the pronounced on Dr. Shebbeare. And that case answers another objection, strongly insisted on by the defendant's counsel here, that if the party accused can be punished in any other manner, this mode of trial cannot be resorted to; for there Mr. Beardmore might have been indicted, but yet he was attached, examined upon interrogatories, and fined and imprisoned. Again it is objected, that the House of Lords cannot impose a fine for such an offence: but this and other courts of record have the power of fining in this summary manner; and why should not the House of Lords have the same power of imposing a fine for a contempt of their privileges? Then several instances were alluded to, where the House did not choose to exercise this privilege, but directed prosecutions to be instituted in the courts of law. The same observations might equally be made on the proceedings of this court, who have sometimes directed indictments to be preferred. We are not therefore to conclude that the House of Lords has not the power of inflicting this punishment, from the circumstance of its not exercising it on all occasions. When lord Shaftesbury's case came on, there were some persons who wished to abridge the privileges of the House of

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* Vide 2 Burr. 792.

Lords: but Mr. Serjeant Maynard was one of those who argued in support of their privileges; and he surely was not capable of concurring in any attempt to infringe the liberties of the people. It has been said, however, that though many instances are to be found in which the House of Lords has in point of fact exercised this power, whenever that power has been resisted it has been resisted with effect; from whence it is inferred, that the House of Lords has not the authority which it assumes: but in this case I may avail myself of the same argument in favour of its jurisdiction, for no case has been found where it has been holden to be illegal in the House of Lords to fine and imprison a person guilty of a breach of privilege. We are bound to grant this Habeas Corpus; but having seen the return to it, we are bound to remand the defendant to prison, because the subject belongs to 'aliud examen.' There is nothing unconstitutional in the House of Lords proceeding in this mode for a breach of privilege; and unless we wish to assist in the attempt that is made to overset the law of parliament and the constitution, we must remand the defendant."

Grose, J.—"This question is not new; it has frequently been considered in courts of law; and the principles discussed to-day, and the cases cited, were examined not many years ago; and the result is very ably stated by lord chief justice De Grey, in 3 Wils. 199. 'When the House of Commons (and the same may be said of the House of Lords) adjudge any thing to be a contempt or a breach of privilege, their adjudication is a conviction, and their commitment in consequence, is execution: and no court can discharge or bail a person that is in execution by the judgment of any other court.' In another passage he said 'Every court must be sole judge of its own contempts.' And again 'The counsel at the bar have not cited one case where any court of this hall ever determined a matter of privilege which did not come immediately before them.'

"Having stated this, I think I need not add more in the present case."

Per Curiam*. Let the defendant be remanded.

APPENDIX (E.)

CASES of Commitments for Contempt by Courts of Justice.

ANALOGY.

In Michaelmas Term 18 Edward 3.

John De Northampton, an attorney of the court of King's Bench, confessing himself guilty of writing a letter respecting the judges and court of King's Bench, which letter was adjudged by the court to contain no truth in it, and to be calculated to excite the King's indignation against the court and the judges, to the scandal of the said court and judges, was committed to the marshal, and ordered to find securities for his good behaviour.—3. Inst. 174.

Hilary Term 11 Ann.

A Writ of Attachment was issued against Thomas Lawson, for speaking disrespectful words of the Court of Queen's Bench, upon his being served with a rule of that court.

Hilary 12 Ann.

A Writ of Attachment was granted against Edward Hendale, for speaking disrespectful words of the Lord Chief Justice of the court of Queen's Bench, and his warrant.

Trinity Term 5 Geo. 1

A Writ of Attachment against ——— Jones, for treating the process of the court of King's Bench contemptuously: and there being an intimation that he relied on the assistance of his fellow-workmen to rescue him, the Court sent for the sheriff of Middlesex into court, and ordered him to take a sufficient force.—1 Strange 185.

Michaelmas Term 6 Geo. 1.

A Writ of Attachment was granted to Richard Lamb, for contemptuous words concerning a Warrant from a judge of the court of King's Bench.

Easter Term 6 Geo. 1.

———Wilkins having confessed himself guilty of publishing a libel upon the court of King's Bench, the court made a rule committing him to the marshal.

The next Term Wilkin having made

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* Mr. Justice Lawrence was not in court, being indisposed; and Mr. Justice Le Blanc, having attended at the Guildhall sittings for lord Kenyon, and not returning till the argument was closed; gave no opinion.

an affidavit charging Doctor Colebatch with being the author of the libel, was sentenced to pay a fine of £.5. and to give security for his good behaviour for a year.

Hilary Term 7 Geo. 1.

An Attachment was granted against John Barber, esq. for contemptuous words of the court of King's Bench, in a speech to the common council of London.—1 Strange. 443.

Hilary Term, 9 Geo. 1.

Doctor Colebatch having been examined upon interrogatories, for contempt in publishing a libel, the interrogatories and answer were referred to the King's coroner and attorney; and

In Easter Term 9 Geo. 1.

Dr. Colebatch, being in the custody of the marshal, was brought into court, and was sentenced to pay a fine of 50*l.* and to give security for his good behaviour for a year, and was committed to the marshal in execution.

Michaelmas Term 9 Geo.1.

A Writ of Attachment was granted against John Bolton, clerk, for contemptuous words respecting the warrants of the Lord Chief Justice of the court of King's Bench, at a meeting of his parishioners in the church yard.

Easter Term 9 Geo. 1.

John Wyatt, a bookseller in St. Paul's Church-yard, published a pamphlet, written by Dr. Conyers Middleton, in the dedication of which to the vice-chancellor of Cambridge, were some passages reflecting upon a proceeding of the court of King's Bench; the court granted a rule against Wyatt, to shew cause why a Writ of Attachment should not issue against him for his contempt; and Wyatt having made an affidavit that Cornelius Crownfield had employed him to sell the pamphlet, and he having charged Dr. Conyers Middleton with being the author of it, Crownfield was discharged upon payment of the costs, and a Writ of Attachment was granted against Dr. Conyers Middleton, who, in the next term, gave bail to answer the contempt; he was afterwards examined upon interrogatories, and upon the report of the King's coroner and attorney he was adjudged to be in contempt, and was committed to the marshal in execution quousque, &c. and it was referred to the master to tax the prosecutor's costs.

It is stated in Fortescue's reports, that Dr. Middleton was sentenced to pay a fine of 50*l.* and to give security for a year; but no rule for such sentence has at present been found; and Dr. Colebatch having received such a sentence, for a similar offence, in the preceding term, it is possible that this sentence may, by mistake, have been applied to Dr. Middleton.

Michaelmas Term 5 Geo. 2.

The court granted a Writ of Attachment against lady Lawley, for a contempt in publishing a paper reflecting upon the proceedings of the court; and she having been examined upon interrogatories, was in Easter term following reported by the officer of the court to be in contempt, and was committed to the marshal.

And in Trinity Term 6 Geo. 2 she was brought into court, and a rule made, stating that "fecit submissionem suam 'petivit veniam de curiâ;" and thereupon she was fined five marks and discharged.

Mark Halpenn, the husband of lady Lawley, was also examined upon interrogatories, for publishing the same libel.—2 Barnardiston, K.'s B. 43.

Extract from Atkyns's Reports, Book 2, page 469.

First Seal after Michaelmas Term, December 3d. 1742.

A motion against the printer of the Champion, and the printer of the Saint James's Evening Post; that the former, who is already in the Fleet, may be committed close prisoner, and that the other, who is at large, may be committed to the Fleet, for publishing a libel against Mr. Hall and Mr. Garden, (executors of John Roach, esquire, late major of the garrison of Fort St. George in the East Indies) and for reflecting likewise upon governor Mackay, Governor Pitt, and others, taxing them with turning affidavit-men, &c. in the cause now depending in this court; and insisting that the publishing such a paper is a high contempt of this court, for which they ought to be committed.

Lord Hardwicke, Lord Chancellor.

Nothing is more incumbent upon courts of justice than to preserve their proceedings from being misrepresented; nor is there any thing of more pernicious consequence, than to prejudice the minds of the public against persons concerned as parties in causes, before the cause is finally heard.* It has always been my opinion, as well as the opinion of those who have sat here before me, that such a proceeding ought to be discountenanced.

But to be sure Mr. Solicitor-General has put it on the right footing, that notwithstanding this should be a libel, yet unless it is a contempt of the court, I have no cognizance of it; for whether it is a libel against the public, or private persons, the only method is to proceed at law.

The defendants' counsel have endeavoured two things—1st, to shew this paper does not contain defamatory matter; 2dly, if it does, yet there is no abuse upon the proceedings of this court: And therefore there is no room for me to interpose.

Now take the whole together, though the letter is artfully penned, there can remain no doubt in every common reader at a coffee-house but this is a defamatory libel.

It is plain therefore who is meant; and as a jury, if this fact was before them, could make no doubt, so, as I am a judge of facts as well as law, I can make none.

I might mention several strong cases, where even feigned names have been construed a libel upon those persons who were really meant to be libelled.

Upon the whole, as to the libellous part, if so far there should remain any doubt whether the executors are meant, it is clear beyond all contradiction upon the last paragraph, in which are these words: "This case ought to be a warning "to all fathers to take care with whom "they trust their children and their for-"tunes, lest their own characters, their "widows and their children be aspersed, "and their fortunes squandered away in "law-suits."

And likewise, though not in so strong a degree, the words "turned affidavit-men," is a libel against those gentlemen who have made them.

There are three different sorts of contempt:

One kind of contempt is, scandalizing the court itself.

There may be likewise a contempt of this court, in abusing parties who are concerned in causes here.

There may also be a contempt of this court, in prejudicing mankind against persons before the cause is heard.

There cannot be any thing of greater consequence than to keep the streams of justice clear and pure, that parties may proceed with safety both to themselves and their characters.

The case of Raikes, the Printer of the Gloucester Journal, who published a libel in one of the Journals against the Commissioners of Charitable Uses at Burford, calling his advertisement, A Hue and Cry after a Commission of Charitable Uses, was of the same kind as this; and the court in that case committed him.

There are several other cases of this kind; one strong instance, where there was nothing reflecting upon the court, in the case of Captain Perry, who printed his brief before the cause came on; the offence did not consist in the printing, for any man may give a printed brief as well as a written one to counsel; but the contempt of this court was, prejudicing the world with regard to the merits of the cause before it was heard.

Upon the whole, there is no doubt but this is a contempt of the court.

With regard to Mrs. Read, the publisher of Saint James's Evening Post, by way of alleviation, it is said, that she did not know the nature of the paper; and that printing papers and pamphlets is a trade, and what she gets her livelihood by.

But though it is true this is a trade, yet they must take care to do it with prudence and caution; for if they print any thing that is libellous, it is no excuse to say that the printer had no knowledge of the contents, and was entirely ignorant of its being libellous; and so is the rule of law, and I will always adhere to the strict rules of law in these cases.

Therefore Mrs. Read must be committed to the Fleet, according to the common order of the court upon contempts.

But as to Mr. Huggonson, who is already a prisoner in the Fleet, I do not think this any motive for compassion; because these persons generally take the advantage of their being prisoners, to print any libellous or defamatory matter which is brought to them, without scruple or hesitation.

If these printers had disclosed the name of the person who brought this paper to them, there might have been something said in mitigation of their offence; but as they think proper to conceal it, I must order Mrs. Read to be committed to the Fleet, and Huggonson to be taken into close custody of the warden of the Fleet.

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* Vide Baker v. Hart, post. 488. Mrs. Farley's Case, 2 Ves. 520.

13th Vesey, jun. page 237.

Exparte Jones.

The object of this petition was to remove the Committee of a lunatic, and to bring before the Lord Chancellor an alleged contempt by the Committee and his wife and other persons, as the authors printers and publishers of a pamphlet, with an address to the Lord Chancellor by way of dedication, reflecting upon the conduct of the petitioner and others acting in the management of the affairs of the lunatic under orders made in pursuance of the trusts of a will, the affidavit representing the conduct of the Committee and his wife intruding into the master's office, and interrupting him, not only in the business of this particular lunacy, but all other business. The wife of the Committee avowed herself to be the author of the pamphlet, alleging the innocence of her husband.

The solicitor-general (sir. Samuel Romilly) and Mr. Hart, in support of the petition, were stopped by the Lord Chancellor, who called on the counsel against it.

Mr. Plowden resisted the petition, contending that the petitioners had a remedy at law.

Lord Erskine, Lord Chancellor.

As to remedy at law, the subject of this application is not the libel against the petitioner.—The case of Roach *v.* Garvan (2 Atk. 469.) and another, there mentioned, were cases of constructive contempt, depending upon the inference of an intention to obstruct the course of justice. In this instance, that is not left to conjecture; and whatever may be said as to a constructive contempt through the medium of a libel against persons engaged in controversy in the court, it never has been nor can be denied, that a publication not only with an obvious tendency but with the design to obstruct the ordinary course of justice, is a very high contempt.—Lord Hardwicke considered persons concerned in the business of the court as being under the protection of the court, and not to be driven to other remedies against libels upon them in that respect.—But without considering whether this is or is not a libel upon the petitioner, what excuse can be alleged for the whole tenor of this book, and introduced by this declaration of the purpose which the author intended it to answer? It might be sufficient to say of the book itself, stripped of the dedication, that it could be published with no other intention than to obstruct the duties cast upon the petitioner, and to bring into contempt the orders that had been made. But upon the dedication this is not a constructive contempt. It is not left to inference. In this dedication the object is avowed, by defaming the proceedings of the court, standing upon its rules and orders, and interesting the public, prejudiced in favour of the author by her own partial representation, to procure a different species of judgment from that which would be administered in the ordinary course, and by flattering the judge to taint the source of justice.—This pamphlet has been sent to me.

As to the printers, lord Hardwicke observes, it is no excuse that the printer was ignorant of the contents. Their intention may have been innocent; but, as lord Mansfield has said, the fact whence the illegal motive is inferred must be traversed, and the party admitting the act cannot deny the motive. The maxim *Actus non facit reum, nisi mens sit rea,* cannot be made applicable to this subject in the ordinary administrations of justice, as the effect would be that the ends of justice would be defeated by contrivance.—But upon the satisfactory account given by three of these printers, though undoubtedly under a criminal proceeding, they would be in mercy in a case of contempt. Though I have the jurisdiction, I shall not use it.—The other printer appears upon the affidavits under different circumstances. Having made the observation, that this pamphlet ought not to be printed, being totally uninteresting to the public, yet he does print it; and though the *locus penitentiæ* was afforded to him, and he was called upon not to print any more, he proceeded until he had notice of this petition.

Let the Committee, and his wife, and the printer to whom I have last alluded, be committed to the Fleet prison. Dismiss the Committee from that office; and direct a reference to the master, as to the appointment of another Committee.

Extracts from sir Eardley Wilmot's Opinions* and Judgments; p. 253.

Hilary Term, 5 Geo. III.—1765.

The King against Almon.

"It has been argued that the mode of

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* This opinion was not delivered in court, the prosecution having been dropped, in consequence, it is supposed, of the

proceeding by attachment is an invasion upon the ancient simplicity of the law; that it took its rise from the statute of Westminster, ch. 2.; and Gilbert's History of the practice of the court of Common Pleas, p. 20. in the first edition, is cited to prove that position. And it is said, that act only applies to persons resisting process; and though this mode of proceeding is very proper to remove obstructions to the execution of process, or to any contumelious treatment of it, or to any contempt to the authority of the court, yet that papers reflecting merely upon the qualities of judges themselves, are not the proper objects of an attachment; that judges have proper remedies to recover a satisfaction for such reflections, by actions of *scandalum magnatum;* and that in the case of a peer, the House of Lords may be applied to for a breach of privilege: That such libellers may be brought to punishment by indictment or information; that there are but few instances of this sort upon libels on courts or judges; that the Common Pleas lately refused to do it; that libels of this kind have been prosecuted by actions and indictment; and that attachments ought not to be extended to libels of this nature, because judges would be determining in their own cause; and that it is more proper for a jury to determine *quo animo* such libels were published.

"As to the origin of attachments, I think they did not take their rise from the statute of Westminster, ch. 2.; the passage out of Gilbert does not prove it; but he only says, "the origin of commitments "for contempt, 'seems' to be derived from "this statute;" but read the paragraph through, the end contradicts the 'seeming' mentioned in the beginning of it; and shews, that it was a part of the law of the land to commit for contempt, confirmed by this statute. And indeed when that act of parliament is read, it is impossible to draw the commencement of such a proceeding out of it; it empowers the sheriff to imprison persons resisting process, but has no more to do with giving courts of justice a power to vindicate their own dignity, than any other chapter in that act.

"The power which the courts in Westminster hall have of vindicating their own authority, is coeval with their first foundation and institution; it is a necessary incident to every court of justice, whether of record or not, to fine and imprison for a contempt to the court, acted in the face of it, 1 Vent. 1. and the issuing of attachments by the supreme courts of justice in Westminster hall, for contempts out of court, stands upon the same immemorial usage as supports the whole fabric of the common law; it is as much the *lex terræ,* and within the exception of Magna Charta, as the issuing any other legal process whatever.

"I have examined very carefully to see if I could find out any vestigates or traces of its introduction, but can find none; it is as ancient as any other part of the common law; there is no priority or posteriority to be discovered about it, and therefore cannot be said to invade the common law, but to act in alliance and friendly conjunction with every other provision which the wisdom of our ancestors has established for the general good of society. And though I do not mean to compare and contrast attachments with trials by jury, yet truth compels me to say, that the mode of proceeding by attachment stands upon the very same foundation and basis as trials by jury do, immemorial usage and practice; it is a constitutional remedy in particular cases; and the judges in those cases are as much bound to give an activity to this part of the law, as to any other part of it. Indeed it is admitted, that attachments are very properly granted for resistance of process, or a contumelious treatment of it, or any violence or abuse of the ministers or others employed to execute it. But it is said that the courts of justice in those cases is obstructed, and the obstruction must be instantly removed; that there is no such necessity in the case of libels upon courts or judges, which may wait for the ordinary method of prosecution, without any inconvenience whatsoever. But where the nature of the offence of libelling judges for what they do in their judicial capacities, either in court or out of court, comes to be considered, it does, in my opinion, become more proper for an attachment than any other case whatsoever.

"By our constitution, the king is the fountain of every species of justice which

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resignation of the then attorney general; but after the death of this eminent and very learned chief justice, was found in his own hand-writing among his papers by his son, who published it in Memoirs of his Life, page 243. The occasion of it was a motion in the court of King's bench, for an attachment against Mr. Almon, for a contempt in publishing a libel upon the court, and upon the chief justice.

is administered in this kingdom, 12 Co. 25. The king is *de jure* to distribute justice to all his subjects; and because he cannot do it himself to all persons, he delegates his power to his judges, who have the custody and guard of the king's oath, and sit in the seat of the king "concerning his justice."

"The arraignment of the justice of the judges is arraigning the king's justice; it is an impeachment of his wisdom and goodness in the choice of his judges, and excites in the mind of the people a general dissatisfaction with all judicial determinations, and indisposes their minds to obey them; and whenever mens allegiance to the laws is so fundamentally shaken, it is the most fatal and the most dangerous obstruction of justice, and, in my opinion, calls out for a more rapid and immediate redress than any other obstruction whatsoever; not for the sake of the judges, as private individuals, but because they are the channels by which the king's justice is conveyed to the people. To be impartial, and to be universally thought so, are both absolutely necessary for the giving justice that free, open and uninterrupted current, which it has for many ages found all over this kingdom, and which so eminently distinguishes and exalts it above all nations upon the earth.

"In the moral estimation of the offence, and in every public consequence arising from it, what an infinite disproportion is there between speaking contumelious words of the rules of the court, for which attachments are granted constantly, and coolly and deliberately printing the most virulent and malignant scandal which fancy could suggest upon the judges themselves. It seems to be material to fix the ideas of the words "authority" and "contempt of the court," to speak with precision upon the question.

"The trial by jury is one part of that system, the punishing contempts of the court by attachment is another: we must not confound the modes of proceeding, and try contempts by juries, and murders by attachment; we must give that energy to each which the constitution prescribes. In many cases, we may not see the correspondence and dependance which one part of the system has and bears to another; but we must pay that deference to the wisdom of many ages as to presume it. And I am sure it wants no great intuition to see, that trials by juries will be buried in the same grave with the authority of the courts who are to preside over them."

Trinity Term, 8 Geo. III.

Writs of attachment were granted against Staples Steare, John Williams, and John Pridden, for contempt, in publishing the North Briton Extraordinary, No. 4, containing a letter addressed to lord Mansfield, lord chief justice, containing gross reflections on his lordship.

They were all examined upon interrogatories, and reported in contempt.

And in Michas. Term, 9 Geo. III, Steare was sentenced to be imprisoned three calendar months.

PAPERS PRESENTED TO THE HOUSE OF COMMONS RELATING TO AMERICA. —*Ordered, by the House of Commons, to be printed, 9th February,* 1810.—[No. I.]

DISPATCHES FROM MR. SECRETARY CANNING TO THE HON. DAVID ERSKINE.

No. I.—*Dispatch from Mr. Secretary Canning, to the hon. D. M. Erskine, dated Foreign-Office, 23d January* 1809.

SIR; Your Dispatches, from (No. 46,) to (No. 49,) both inclusive, have been received, and laid before the King. The most serious attention of his Majesty's government has been directed to the important matters treated in those Dispatches; and especially to those confidential communications which you represent yourself to have received from different individuals of weight and influence in the American government, respecting the political relations of Great Britain and the United States.

It must be confessed, that the conciliatory disposition which these individuals describe to you as existing on the part of the American administration, does not appear either in the acts of the government, or in the debates of Congress. But the intimations which have been given to you of the difference between the personal sentiments of Mr. Jefferson, and those of his probable successor in the presidency, with respect to this country, and the hopes which you have been led to entertain, that the beginning of the new presidency may be favourable to a change of policy in America, if opportunity and encouragement for such a change shall be afforded by this country, have induced his Majesty's government to review and reconsider the most important points of disagreement between the two governments; and I have received his Majesty's commands to send you such instructions on these subjects, as must, if the government of the United States be seriously disposed to accommodation, lead to their immediate and satisfactory adjustment.

The first of these points is the affair of the Chesapeake. Nothing prevented an amicable conclusion of this discussion by Mr. Rose, except the refusal of the American government to withdraw the Proclation issued on the 2d July 1807, by which the ships of war of Great Britain were interdicted from the harbours of the United States, while those of France continued to be allowed a free resort to them.—The constructions given by Mr. Madison to the Resolution of the committee to whom this consideration of the foreign relations of the United States was referred at the opening of the present session of Congress, undoubtedly goes a considerable way to remove the objection to which the Proclamation was liable.—Of the exclusion of the ships of war of both belligerents from the ports of a neutral state, neither belligerent has a right to complain. The partiality of that regulation alone gave to it a character of hostility.—If therefore the ships of war of France shall in point of fact have been excluded from the ports of the United States, and such ships of that description as were in those ports at the time of passing the resolution shall have been warned to depart, his Majesty would no longer insist upon the formal recal of the Proclamation as a preliminary of the adjustment of the difference arising from the affair of the Chesapeake.—It is still necessary, however, that either the Proclamation should be withdrawn, or its operation formally declared to be at an end; but it will be sufficient if that withdrawal or declaration is recorded (according to the arrangement which Mr. Madison professed himself ready to adopt) in the same instrument, or at the same time, with the terms of reparation which his Majesty is now willing to offer.

The terms of reparation which Mr. Rose was authorized to propose, were in substance, 1st. A formal disavowal by his Majesty of the act of admiral Berkeley. 2d. The restoration of the men forcibly taken from on board the Chesapeake; reserving to his Majesty the right of claiming, in a regular way, from the American Government, the discharge of such of them as might prove, upon investigation, to be either natural born subjects of his Majesty, or deserters from his Majesty's service.—3dly. A pecuniary provision, suitable to their respective situations in life, for the widows or orphans of such men (not being natural born subjects of his Majesty, nor deserters from his Majesty's service) as may have been unfortunately killed on board the Chesapeake.

In return for these concessions, his Majesty required,—1st. A disavowal on the part of the American Government of the detention, by Commodore Barron, of deserters from his Majesty's service; of his denial of his having such persons on board of the ships under his command, and his refusal to deliver them upon demand. 2dly. A like disavowal of the outrages committed on the persons or property of his Majesty's subjects at Norfolk, or elsewhere, in consequence of this affair. An engagement was also to be required, that the American Government should not, in future, countenance any of its agents, civil or military, in encouraging desertion from his Majesty's service.

This last point, being, according to the statement in your (No. 47,) to be provided for by a special act of Congress, it is not necessary to obtain any specific engagement or declaration respecting it; and as it is above all things desirable to simplify as much as possible the conclusion of an arrangement which has been so long pending, as a recurrence to the details of the affair of the Chesapeake, of the causes which led to it, and of the discussions immediately arising out of it, might lead to complicated and fruitless controversy, his Majesty, on his part, would be contented at present to wave any demand for retrospective disavowals on the part of the Government of the United States; that Government being, on the other hand, contented to receive back the men forcibly taken out of the Chesapeake, as the single and sufficient act of reparation. To which, however, his Majesty would still be willing to add the provision for the widows and orphans of the men killed in the action, but as an act of his Majesty's spontaneous generosity.

This arrangement, I have every reason to believe, both from what Mr. Pinkney has stated to me, and what Mr. Rose reports of Mr. Madison's unofficial conversations, would be satisfactory to the American Government upon this subject.—Whether this arrangement shall be settled by a formal convention, or by the exchange of ministerial notes, dated on the same day, and reciprocally delivered at the same time, is left to the decision of yourself and of the American Minister.

I have only to add (though I see no ground to apprehend that such a demand is likely to be brought forward) that you are steadily and peremptorily to refuse any demand for any further mark of his Majesty's displeasure to admiral Berkeley, than that which was in the first instance manifested, by that officer's immediate recall.—You are to open the subject of the Chesapeake separately and distinctly: The manner in which the proposal for the adjustment of that difference may be received will be the best test of the general disposition of the American Government, and will naturally indicate the course to be pursued in respect to the further instructions which I shall proceed to communicate to you in another dispatch. I am, &c.

No. II.—*Dispatch from Mr. Secretary Canning to the Hon. D. Erskine, dated Foreign-Office, January 23d,* 1809.

(No. 4.)

Sir; If there really exists in those individuals who are to have a leading share in the new administration of the United States, that disposition to come to a complete and cordial understanding with Great Britain, of which you have received from them such positive assurances; in meeting that disposition it would be useless and unprofitable to recur to a recapitulation of the causes from which the differences between the two governments have arisen, or of the arguments already so often repeated in support of that system of retaliation to which his Majesty has unwillingly had recourse. That system his Majesty must unquestionably continue to maintain, unless the object of it can be otherwise accomplished.—But after a profession on the part of so many of the leading members of the government of the United States, of a sincere desire to contribute to that object in a manner which should render the continuance of the system adopted by the British government unnecessary, it is thought right that a fair opportunity should be afforded to the American Government to explain its meaning, and to give proof of its sincerity.—The extension of the interdiction of the American harbours to the ships of war of France as well as of Great Britain is, as stated in my other dispatch, an acceptable symptom of a system of impartiality towards both belligerents; the first that has been publicly manifested by the American Government.—The like extension of the Non-importation Act to other belligerents is equally proper in this view. These measures remove those preliminary objections, which must otherwise have precluded any useful or amicable discussion.—In this state of things it is possible for Great Britain to entertain propositions, which, while such manifest partiality was shewn to her enemies, were not consistent either with her dignity or her interests.

From the report of your conversations with Mr. Madison, Mr. Galatin, and Mr. Smith, it appears,—1st, That the American Government is prepared, in the event of his Majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously on its part, the interdiction of its harbours to ships of war, and all non-intercourse and non-importation acts so far as respects Great Britain, leaving them in force with respect to France, and the powers which adopt or act under her decrees. 2dly. What is of the utmost importance, as precluding a new source of misunderstanding which might arise after the adjustment of the other questions, that America is willing to renounce during the present war, the pretension of carrying on in time of war, all trade with the enemies colonies, from which she was excluded during peace. 3dly. Great Britain, for the purpose of securing the operation of the Embargo, and of the *bonâ fide* intention of America to prevent her citizens from trading with France, and the powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of those powers; without which security for the observance of the Embargo, the raising it nominally with respect to Great Britain alone, would in fact raise it with respect to all the world.

On these conditions his Majesty would consent to withdraw the Orders in Council of January and November 1807, so far as respects America.—As the first and second of these conditions are the suggestions of the persons in authority in America, to you, and as Mr. Pinckney has recently (but for the first time) expressed to me his opinion that there will be no indisposition on the part of his Government to the enforcement, by the naval power of Great Britain, of the regulations of America with respect to France, and the countries to which those regulations continue to apply; but that his Government was itself aware, that without such enforcement, those regulations must be altogether nugatory; I flatter myself that there will be no difficulty in obtaining a distinct and official recognition of these conditions from the American Government.—For this purpose you are at liberty to communicate this Dispatch *in extenso* to the American Secretary of State.—Upon receiving, through you, on the part of the American Government, a distinct and official recognition of the three above-mentioned conditions, his Majesty will lose no time in sending to America a minister fully empowered to consign them to a formal and regular treaty.

As however it is possible that the delay which must intervene before the actual conclusion of a Treaty, may appear to the American Government to deprive this arrangement of part of its benefits, I am to authorize you, if the American Government should be desirous of acting upon the agreement before it is reduced into a regular form, either by the immediate repeal of the Embargo and the other acts in question, or by engaging to repeal them on a particular day,—to assure the American Government of his Majesty's readiness to meet such a disposition in the manner best calculated to give it immediate effect. Upon the receipt here of an official note, containing an engagement for the adoption, by the American Government, of the three conditions above specified, his Majesty will be prepared on the faith of such engagement, either immediately (if the repeal shall have been immediate in America) or on any day specified by the American Government for that repeal, reciprocally to recall the Orders in Council, without waiting for the conclusion of a Treaty. And you are authorized in the circumstances herein described, to take such reciprocal engagement on his Majesty's behalf. I am, &c. GEO. CANNING.

No. III.—*Dispatch from Mr. Secretary Canning, to Hon. D. Erskine, dated Foreign Office, January 23d,* 1809.

(No. 5.)

Sir; In addition to what I have stated in my preceding Dispatch of this date, I think it right to assure you, that the intention of sending a minister to America as therein announced, for the purpose of concluding a Treaty with the United States, has not arisen from any doubt of your executing the commission, if it had been entrusted to you, with zeal and with ability; but it is presumed, that after the long suspension of friendly intercourse with the United States, a minister sent for this single and special purpose, and fully apprised of all the sentiments on this subject, of the Government by which he is employed, would have a better prospect of removing any difficulties which might occur, than if the negociation were to be conducted by the resident minister. I am, &c. GEO. CANNING.

No. IV.—*Dispatch from Mr. Secretary Canning, to the Hon. D. M. Erskine, dated Foreign Office, January 23d,* 1809.

Sir; In your Dispatch (No. 47.) among the other important suggestions which you state yourself to have received from Mr. Galatin, is one, the purport of which is, that supposing all the existing differences between the two countries to be done away, the system of their commercial intercourse might be better regulated by the short and simple agreement, either to admit each other's productions on equal and reciprocal duties, or reciprocally to place each on the footing of the most favoured nation, than by any more minute and complicated provisions.—The sentiments upon which this suggestion appears to be founded, are so much in unison with those entertained here, that I am to direct you, in the event of the subjects mentioned in my Dispatches being put in a train of adjustment, to endeavour to obtain from the American Government, some more precise and authentic exposition of their views upon this subject, to be transmitted here for consideration, if possible, at the same time with their answers upon the subject of those other Dispatches.—It will not, however, be desirable that those answers should be delayed for this purpose.—But you are authorized to assure the American Government, of the readiness with which we shall be prepared to enter into the amicable discussions of the commercial relations of the two countries, on the basis of the latter of the two principles proposed by Mr. Galatin, whenever those obstacles which stood in the way of the renewal of their intercourse shall have been happily removed.—In this case, as in respect to the subject of my other Dispatches, you will see that the sincerity of the good disposition professed by the persons composing the new administration, is the point the most important in the view of the British Government.—If such a disposition really exists, all difficulties will (as Mr. Galatin has expressed himself) be easily smoothed away.—If unfortunately this hope should be disappointed, Great Britain has only to continue the system of self-defence and retaliation upon her enemies to which she has been compelled to have recourse, with the consciousness of having eagerly seized the first opportunity that appeared to be offered to her of obtaining through an amicable arrangement with America, the object for which that system was established. I am, &c.

GEO. CANNING.

No. V. *Dispatch from Mr. Secretary Canning, to the Hon. D. Erskine, dated Foreign Office, May 22, 1809.*

(No. 10.)

Sir; Your Dispatches (Nos. 19. and 20.) of the 19th and 20th of April, have been received here this day, and laid before the King. I have lost no time in receiving his Majesty's commands to signify to you his Majesty's sentiments on the manner in which you have executed the instructions conveyed to you in my Dispatches by Mr. Oakley. It is much to be regretted, that in the execution of instructions upon points of so much delicacy and importance, you should have thought yourself authorized to depart so widely, not only from their letter but from their spirit.—With respect to the instructions relating to the Chesapeake, which form the subject of my Dispatch No. 1. I have to remark, first, the total omission by you of a preliminary of the most material importance; 2dly, a departure from the terms of your instructions in the manner of conducting the negotiation; and, 3dly, the admission by you, and so far as appears without remonstrance or observation, of a Note containing expressions offensive to his Majesty's dignity, such as no Minister of his Majesty ought to have submitted to receive, and to transmit to his Government.

1st. It is distinctly stated by me, as the condition of his Majesty's "no longer insisting upon the recall of the Proclamation of July 1807, as a preliminary to the adjustment of the difference arising from the affair of the Chesapeake, That the ships of war of France shall, in point of fact, have been excluded from the ports of the United States, and such ships of that description as were in those ports, shall have been warned to depart."

Of this condition you appear to have taken no notice whatever. The Non-intercourse Bill operated only to the prospective exclusion; but as to the warning to be given to any ships of war of France (if any such there were) in the ports of the United States, it no where appears that even a question was put by you on this subject, much less that you received any satisfactory assurance upon it.

2dly. But if this preliminary condition had been fulfilled, your instructions proceed to state, that even then "it would still be necessary that either the Proclamation should be withdrawn, or its operation formerly declared to be at an end; though it would be sufficient that such withdrawal or declaration should be recorded in the same instrument, or at the same time with the terms of reparation."

So far from this indispensible condition having been obtained by you, Mr. Smith, in the answer returned by him to your Note, studiously avoids any thing like a recognition of the principle on which alone the demand of the formal recall of the Proclamation was to be waved. Neither is the Proclamation itself withdrawn, nor its operation declared to be at an end.—The obvious consequence of this omission is, that if the Non-intercourse act, which is a temporary act, were to be suffered to expire, the Proclamation might revive, and the inequality between the two belligerents be thereby restored.

It was obviously your duty, before you committed his Majesty's name by a written offer of reparation, to ascertain in what manner that offer would be received and answered; and if you found that the express conditions, either of the withdrawing the Proclamation, or declaring its operation to be at an end, would not be complied with, to abstain from proceeding one single step in the negociation until you had referred home for further instructions.

That part of your Instructions which directed that this arrangement, if not made the subject of a convention, should be settled "by the exchange of ministerial "Notes dated on the same day, and reciprocally delivered at the same time," was expressly intended to guard against the possibility of your committing yourself by a written proposal, in the uncertainty of what might be the nature of the answer to be returned to it.—His Majesty will not suppose it possible that Mr. Smith's intended answer can have been communicated to you previously, and have obtained your approbation.—In the proposal for restoring the men taken from on board of the Chesapeake, it was not intended that the condition of his Majesty's right to reclaim them in a regular way from the American Government, if either natural born subjects of his Majesty, or deserters from his Majesty's service, should have been omitted.—I dwell however the less on this point, as his Majesty's right in this respect is founded on public law, and does not require to be fortified by the recognition of any other Government.—But I cannot forbear observing with regret, that the bounty of his Majesty in the intended provision for the relations of the men killed on board of the Chesapeake, is not only stated by you without a similar restriction, but is brought forward at once as a part of the reparation originally offered; and thus converted by you from an act of spontaneous generosity, into one of positive obligation.

3dly. In addition to the substance of Mr. Smith's Note, which I have already mentioned, it remains for me to notice the expressions so full of disrespect to his Majesty with which that Note concludes. And I am to signify to you the displeasure which his Majesty feels, that any Minister of his Majesty should have shewn himself so far insensible of what is due to the dignity of his Sovereign, as to have consented to receive and transmit to be laid before his Majesty a Note in which such expressions were contained. I am, &c.

Geo. Canning.

No. VI.—*Dispatch from Mr. Secretary Canning, to the Hon. David Erskine, dated Foreign Office, May 23d,* 1809.

Sir; I proceed in this Dispatch, to point out to you those deviations from the instructions conveyed to you in my Dispatch No. 2. which you have unfortunately thought yourself at liberty to adopt, and of which I am to express to you his Majesty's entire disapprobation.—I do not dwell upon the singular and offensive step taken by the American Government in publishing the whole of the correspondence which had taken place between you and the American Secretary of State; because his Majesty is willing to believe, that you cannot have been a party to this publication; his Majesty conceives it impossible that you should have given your consent to such a proceeding, especially in respect to a transaction which you profess yourself to consider as merely "conditional." But as the publication appears to have taken place on the 19th of April, the day of the date of your Dispatches, it seems difficult to understand how it happens, that your Dispatches should not contain any notification of your intention to remonstrate against a proceeding, so extraordinary as that of the publication of the Correspondence of a Minister without his concurrence, and previously to his transmission of it to his court.

I am in the first place to observe to you that the Instructions which I transmitted to you, by his Majesty's command, in my Dispatch No. 1. expressly stated, "That the manner in which the proposal for the adjustment of that difference may "be received, would be the best test of the general disposition of the American Government, and would naturally indicate the course to be pursued in respect to the further Instructions," which I proceed to communicate to you in another Dispatch; and I am to express his Majesty's surprize and regret, that such a Note as that which you received from Mr. Smith, in answer to your offer, of reparation for the affair of the Chesapeake, can have been received by you as a proof of the acceptance by the Government of the United States, of the honourable reparation tendered by his Majesty "in the same spirit of conciliation in which it was proposed"—that Note itself being an offence against his Majesty's dignity, such as no Minister of his Majesty ought to have passed by unresented.

I am at a loss to conceive on what ground you thought yourself authorized to open your correspondence on the subject of the Orders in Council, with the intimation of his Majesty's determination to send to the United States an Envoy Extraordinary "invested with full powers to conclude a Treaty on all the points of the relations between the two countries."

Your Instructions do not authorize you to hold out the expectation of any such mission, until his Majesty should have received, on the part of the government of the United States, an authentic and official recognition of the conditions which you were directed to require.

The Instructions which I was commanded by his Majesty to transmit to you, on the subject of the Orders in Council, were framed on the basis of three conditions, the agreement to which, on the part of the American Government, was stated to be indispensable to his Majesty's consenting to withdraw his Orders in Council. The 1st of these conditions was, that the interdiction of the harbours of America to the ships of war of Great Britain, and all Non-intercourse or Non-importation Acts should be withdrawn, so far as respects Great Britain, "leaving them in force with respect to France, and the powers which adopt or act under her decrees."

The 2d. That America should renounce, during the present war, the pretension of carrying on in time of war all trade with the enemies colonies, from which she was excluded during peace.

The 3d. That it should be understood and agreed between the two powers, that Great Britain should be at liberty to capture all American vessels that should be found attempting to trade with France, or any powers which adopted or acted under her decrees.

I was commanded to state to you, that "upon receiving on the part of the American Government a distinct and official recognition of these three conditions," his Majesty would lose no time in sending a minister to America fully empowered to consign them (these three conditions) to a formal and regular Treaty, his Majesty on his part withdrawing his Orders in Council of January and November 1807; or if the delay were thought to be inconvenient, you were authorized to engage for his Majesty, that "upon the receipt here of an official Note containing an engagement for the adoption by the American Government of these three conditions, his Majesty would be prepared, on the faith of such engagement, to recall the Orders in Council, without waiting for the conclusion of a Treaty."—The recall therefore, on his Majesty's part, of the Orders in Council, was to depend entirely and exclusively on the acceptance by the American Government of the three conditions so precisely described, and so repeatedly referred to. In this respect the Instructions were peremptory, and admitted of no discretion. The only discretion left to you was, in the event of the American Government expressing a wish to that effect, to anticipate the operation of the Treaty, by engaging in his Majesty's name, that his Majesty would withdraw the Orders in Council, on the receipt here of an official Note containing the formal engagement of the American Government to adopt these three conditions.—Nothing can be more clear, than that not one of these three conditions has been adopted by the Government, nor any engagement taken for their adoption.

The second and third condition you appear to have given up altogether. No mention whatever is made of them in your written communications to Mr. Smith; and in respect to them, therefore, you have acted in direct contradiction to your Instructions.—But even of the first condition, of which alone you appear to have attempted to obtain the fulfilment, the most material part has either been overlooked or conceded by you.—This condition did not require solely the repeal of the offensive Acts with respect to Great Britain, but that repeal coupled with the continuance of those Acts in force with respect to France and the powers which adopt and act under her decrees.—Upon this clause, the most important part of the condition, you do not appear to have insisted, in any part, not only of your correspondence but of your verbal communications with the American Government.

This clause, above all others, it was necessary to consign to a formal and written agreement. As the matter at present stands before the world, in your official correspondence with Mr. Smith, the American Government would be at liberty tomorrow to repeal the Non-intercourse Act altogether, without infringing the agreement which you have thought proper to enter into on behalf of his Majesty; and if such a clause was thought necessary to this condition, at the time when my Instructions were written, it was obviously become much more so, when the Non-intercourse Act was passed for a limited time. You must also have been aware at the time of making the agreement, that the American Government had in fact formally exempted Holland, a power which has unquestionably "adopted and acted under the decrees of France," from the operation of the Non-intercourse Act; an exemption in direct contravention of the condition prescribed to you, and which of itself ought to have prevented you from coming to any agreement whatever.

Without therefore obtaining even one of those conditions, on the obtaining of all of which the concession of his Majesty was to depend, you have pledged his Majesty to the full extent of that concession; and have placed his Majesty in the painful alternative, of having either to refuse to abide by an engagement taken in his Majesty's name by an accredited minister of his Majesty, or to acquiesce in a measure which has been adopted, not only not in conformity to his Majesty's views, but in contradiction to his positive directions.

I am, &c. George Canning.

No. VII.—*Dispatch from Mr. Secretary Canning, to the Honourable David Erskine, dated Foreign Office, May 30th,* 1809.

Sir; I herewith enclose to you the Copies of an Order, which was passed by the King in Council on Wednesday the 24th instant; and I have to signify to you his Majesty's pleasure, that you deliver one Copy of this Order to the American Secretary of State, and that you use your utmost exertions to render it as public as may be possible among the merchants of the United States.—This Order in Council contains, as you will perceive, his Majesty's disavowal of the agreement which you have concluded with the American Government.—I am directed by his Majesty to state to you, that his Majesty entertains no doubt of the good intentions and zeal for his Majesty's service by which you have been led to depart from your Instructions;—But you must be sensible that the consequences of such a step, and the publicity which has been given to it by the American Government, render it impossible that you should continue in the exercise of your functions, either with satisfaction to yourself, or with advantage to his Majesty's service: I have therefore received his Majesty's commands to inform you, that his Majesty has been graciously pleased to appoint Mr. Jackson to replace you, by whom I shall transmit to you your letter of recall. I am, &c.

George Canning.

Dispatches from the Hon. David Erskine, to Mr. Secretary Canning.

No. VIII.—*Dispatch from the Hon. D. Erskine, to Mr. Secretary Canning, dated Washington, December* 3, 1808.

Sir;—The Government and Congress have been quite at a loss how to act in the present extraordinary and embarrassing situation of their public affairs, and they have not yet determined upon the measures which they mean to pursue; but I think that I may venture to assure you, that the course of conduct recommended by the Committee of the House of Representatives, to which was referred the Documents mentioned and the President's Message to Congress, will in substance at least be adopted for the present with certain amendments, so as to give some time previous to its going into operation.

It is not however denied by those even who have introduced this measure, that it is only of a temporary nature, and that the United States may be driven to adopt a more decided course of conduct against the belligerents, before this present Congress closes, or at any rate soon after the meeting of the new Legislature, in consequence of the feelings and sentiments of the Eastern division of the United States, which has almost universally expressed a disapprobation of the continuance of the Embargo, and has begun to shew symptoms of a determination not to endure it much longer.

The Government and party in power unequivocally express their resolution not to remove the Embargo, except by substituting war measures against both belligerents, unless either or both should relax their restrictions upon neutral commerce.

Upon this subject some important communications have been made to me by Mr. Madison and several of the members of this Government, which I will accordingly lay before you, as I confidently believe they were delivered from an unfeigned desire that they might produce the effect of leading, if possible, to some adjustment of their differences with Great Britain, so as to enable the Government and the nation to extricate themselves from the present very distressing dilemma in which they are involved.

Mr. Madison expressed his firm conviction that when the Documents referred to in the President's Message should be seen by his Majesty's Government, and the Correspondencies between their Minister in France with the French Minister, respecting the Decrees of Berlin and Milan, should be deliberately considered, particularly the strong remonstrance of Mr. Armstrong to the French Government of the 12th of November, 1807, that it would be acknowledged that the United States had exerted all the efforts which remonstrances could have been supposed to be capable of producing, and that in failure of any effect from them, in persuading the French Government to withdraw their unjust restrictions upon neutral commerce, recourse might have been had by the United States to measures of more activity and decision against France; but that in the mean time Great Britain had issued her Orders in Council before it was known whether the United States would acquiesce in the aggressions of France, and thereby rendered it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

He went also into all the arguments upon that subject which are detailed in his correspondences with the American Ministers in London and Paris, as published in the Documents referred to in the President's Message, but which I do not now repeat, as my object is merely to inform you of the result of his observations, which was, That as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just attention to their rights as a neutral power, by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so, from the difficulty of contending with both; but that she must be driven even to endeavour to maintain her rights against the two greatest powers in the world, unless either of them should relax their restrictions upon neutral commerce, in which case the United States would side with that power, against the other which might continue the aggression.

Mr. Madison observed to me, that it must be evident that the United States would enter upon measures of hostility with great reluctance, as he acknowledged that they are not at all prepared for war, much less with a power so irresistibly strong as Great Britain; and that nothing would be thought to be too great a sacrifice to the preservation of peace, except their independence and their honour. He said that he did not believe that any Americans would be found willing to submit to (what he termed) the encroachments upon the liberty and the rights of the United States by the belligerents, and therefore the alternatives were, Embargo or War. He confessed that the people of this country were beginning to think the former alternative too passive, and would perhaps soon prefer the latter, as even less injurious to the interests, and more congenial with the spirit of a free people.

He declared to me, that every opinion which he entertained respecting the best interests of his country, led him to wish that a good understanding should take place between Great Britain and the United States, and that he thought that the obvious advantages which would thereby result to both countries were a sufficient pledge of the sincerity of his sentiments.

The reasons which induce me to believe that the views and determinations of this Government, as described to me by Mr. Madison, are their real sentiments, and that they will pursue that course of conduct which they have marked out, arise from a mature consideration of the actual state of the affairs of this country, the particular situation of the Government and ruling party, and from certain private but important communications which have been made to me by some of the members of the administration, who are sincerely desirous of a conciliation with Great Britain.

It is evident from every thing which has lately taken place in this country, that the people at large are desirous of having the Embargo removed; but it is also to be collected from the result of the elections throughout the United States, that the present ruling party have a decided majority of the people with them; and as they have pledged themselves not to repeal it, while the restrictions upon their neutral rights continue in force by both belligerents, without substituting war measures; and as they themselves acknowledge, "that the ultimate and only "effectual mode of resisting such warfare, "if persisted in, is war," and that "a "permanent suspension of commerce "would not properly be resistance, but "submission;" I cannot therefore conceive that it would be possible for them to retract their declarations, and indeed they would not have the power of continuing the Embargo more than six months, and of course therefore, they must substitute war measures when it should be withdrawn, unless they were to abandon all the principles they have laid down, and to change all the resolutions, which they have so unequivocally expressed.

It is true that they might possibly do so, if they found themselves pressed by the number and strength of their opponents, or by a change in the opinions of their majority amongst the people; but it is plain from the decision in the House of Representatives in Congress upon the Resolutions proposed by the Committee appointed to consider the subject of their foreign relations, which were carried by a majority of 84 to 21, that they have not lost any ground in the present Congress: and the result of the elections for members of Congress, proves that although they have lost some votes in the Eastern States, that they will have a great majority out of the whole number of the next Congress.

For these reasons I conclude that the Government party could carry along with them the support of the people in the measures which they might resolve to take, and I have already explained why I believe they will adopt the course of conduct which I have described in the foregoing part of this Dispatch, arising out of the state of the country and their own particular situation; and I will therefore proceed to explain my private reasons for feeling confirmed in these opinions, and will have the honour of laying before you some important communications which were made to me by some of the members of this Government, unofficially, but with a desire that they might produce a favourable effect towards a conciliation with Great Britain. I beg leave to refer you to my next number, in which they are detailed. I have, &c. D. M. Erskine.

No. IX.—*Copy of a Dispatch from the Hon. D. Erskine, to Mr. Secretary Canning, dated Washington, Dec. 4th,* 1808.

Sir, In the course of several private interviews which I have had with Mr. Galatin, secretary of the treasury, and Mr. Smith, secretary of the navy, I have collected from them, that their sentiments coincide with those of Mr. Madison, which I have detailed at some length in the preceding number of my dispatches, respecting the proper course of conduct which ought to be pursued by the United States in their present situation; although they had differed as to the propriety of laying on the Embargo as a measure of defence, and had thought that it had been better to have resorted to measures of a more decided nature at first, but that now they had no other means left but to continue it for a short time longer, and then in the event of no change taking place in the conduct of the belligerents towards the United States, to endeavour to assert their rights against both powers; but that if either should relax in their aggressions, they said that they would vote for taking part with that one against the other which should continue its restrictions. Mr. Galatin remarked to me, that the resolutions which were proposed by the Committee of Foreign Relations in their Report to the House of Representatives, and which had already passed in the Committee of the whole House, and would perhaps soon pass into a law, seemed to him to remove two very important grounds of difference with Great Britain; viz. the Non-importation Act, as applicable to her alone, and the president's Proclamation, whereby the ships of Great Britain were excluded from the ports of the United States, while those of France were permitted to enter, but now by the Non-intercourse Law both powers were placed on the same footing; he did not pretend to say that this measure had been taken from any motives of concession to Great Britain, but as in fact those consequences followed, they might be considered as removing two great obstacles to conciliation. This he wished might be the case, as he intimated to me that such steps were about to be taken by Congress upon another very important subject of the differences between the two countries as might have a further effect in leading to a favourable adjustment of them; he informed me that a law was about to be proposed to Congress, and which he believed would pass, to interdict all American vessels from receiving on board foreign seamen under heavy penalties or forfeitures, and that already the ships of war of the United States had been ordered not to receive any, and to discharge such as were at that time on board. This subject is also alluded to by Mr. Giles the senator, in his speech *, and he is high in the confidence of the government, and is, it is said, to be Mr. Madison's secretary of state. Mr. Galatin also said, that he knew that it was intended by the United States to abandon the attempt to carry on a trade with the colonies of belligerents in time of war, which was not allowed in time of peace; and to trust to the being permitted by the French to carry on such trade in peace so as to entitle them to continue it in time of war.

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* See speeches of members of Congress sent herewith.

In this manner, he observed, all the points of difference between Great Britain and the United States might be smoothed away (was his expression) and that the United States would be willing to put the intercourse with Great Britain upon a perfect footing of reciprocity, and would either consent to the arrangement, that the ships of both nations should pay the same duties reciprocally, or place each other simply upon the footing of the most favoured nation.

I have no doubt but these communications were made with a sincere desire that they might produce the effect of conciliation, because it is well known that Mr. Galatin has long thought that the restrictive and jealous system of Non-import Laws, extra duties, and other modes of checking a free trade with Great Britain, has been erroneous, and highly injurious to the interests of America. He informed me distinctly that he had always entertained that opinion, and that he had uniformly endeavoured to persuade the President to place the conduct of Great Britain and France in a fair light before the public. He seemed to check himself at the moment he was speaking upon that subject, and I could not get him to express himself more distinctly, but I could clearly collect from his manner, and from some slight insinuations, that he thought the President had acted with partiality towards France; for he turned the conversation immediately upon the character of Mr. Madison, and said, that he could not be accused of having such a bias towards France; and remarked, that Mr. Madison was known to be an admirer of the British constitution, to be generally well disposed towards the nation, and to be entirely free from any enmity to its general prosperity. He appealed to me, whether I had not observed that he frequently spoke with approbation of its institutions, its energy and spirit; and that he was thoroughly well versed in its history, literature, and arts. These observations he made at that time, for the purpose of contrasting the sentiments of Mr. Madison with those of the President, as he knew that I must have observed that Mr. Jefferson never spoke with approbation of any thing that was British, and always took up French topics in his conversations, and always praised the people and country of France, and never lost an opportunity of shewing his dislike to Great Britain.

At the close of my interview with Mr. Galatin, he said, in a familiar way, "You see, Sir, we could settle a treaty in my private room in two hours, which might perhaps be found to be as lasting as if it had been bound up in all the formality of a regular system, and might be found to be as reciprocally useful as a treaty consisting of twenty-four articles, in which the intricate points of intercourse might be in vain attempted to be reconciled to the opposite and perhaps jealous views of self-interest of the respective countries."

I have taken the liberty of detailing to you the substance of this unofficial conversation with Mr. Galatin, in order to explain to you the grounds upon which I have formed my opinion, that the members of the present government, who it is expected would belong also to the next, would be desirous of soothing the differences of the United States with Great Britain, to enable them to extricate the country and themselves from the difficulties in which they are involved; for it is now I believe determined that Mr. Galatin will accept his present office under Mr. Madison, which was at one time doubted. The character of Mr. Galatin must be well known to you to be held in the greatest respect in this country, for his unrivalled talents as a financier and as a statesman. There cannot, I think, be any reasonable doubt entertained that he is heartily opposed to French aggrandizements, and to the usurpations of Buonaparté. He was an enthusiast in favour of the French Revolution in the early periods of it, but has long since abandoned the favourable opinions he had entertained respecting it, and has viewed the progress of France towards universal dominion with jealousy and regret. How far the good-will of this Government and country towards Great Britain may be worth in the estimation of his Majesty's Government the sacrifice of the Orders in Council, and of the impression which they might be expected to make on France, it would be presumptuous in me to venture to calculate; but I am thoroughly persuaded that at that price it might be obtained.

I have endeavoured, by the most strict and diligent enquiries into the views and strength of the Federal party, to ascertain to what extent they would be willing and able to resist the measures of the party in power, and how far they could carry the opinions of this country along with them in their attempts to remove the Embargo, without recurring to hostilities against both Great Britain and France.

Upon a mature consideration of this subject, I am persuaded that great as the desire is which generally prevails for the removal of the Embargo, that the Federalists would not venture to recommend that it should be withdrawn, without proposing some measures of greater energy as a substitute; some have, indeed, hinted at the propriety of at once declaring war against France; but few however of those who have been most clamorous against the Embargo have yet offered their opinions as to what course ought to be pursued, although all have declared against submission to the restrictions upon their neutral rights.

When the small number of those who have pointed out the propriety of going to war with France alone is considered, even of the Federal party, I cannot believe that such a measure would succeed.

All the leaders of the democratic party, in the Congress and out of it, declare, that they only propose the continuance of the Embargo for a short time; and that if the voice of the people at large is for more resistance, that they shall be willing and ready to put forth the strength of the country for that purpose. These declarations are to be found in the speeches, some printed copies of which I have sent herewith; you will find however, that in some of them a great stress is still laid upon the effects to be expected from the Embargo in coercing the belligerents, particularly Great Britain, to relax in her restrictions, from the distress and inconvenience likely to be produced by the want of the produce of this country.

This reliance upon such consequences from the Embargo is greatly, indeed almost entirely, diminished in the opinions of people; and I conceive that the only reason why the ruling party wish it to be continued, arises from a hope, that time might afford them an opportunity of judging of the probable issue of events in Europe, particularly of the success or failure of Buonaparté in Spain.

It may be doubtful whether the privations and inconveniences produced by the Embargo in this country, will not compel the Congress to take some hostile measures in order to have a pretext for its removal, of so trifling a nature however as to leave it to belligerents to overlook them if they please, and to save the ruling party the necessity of going into war measures of great expence and danger, not only to their own popularity and power, but perhaps even to the safety of the Union. I propose to have the honour of offering some remarks upon this subject in the next of my dispatches.—I have, &c. (Signed) D. M. Erskine.

No. X.—*Dispatch from the Honourable D. Erskine, to Mr. Secretary Canning. (One Enclosure.) Dated Washington, 10th March* 1809.

Sir; Since the arrival in the Delaware river on the 10th instant of the American dispatch vessel the Union, from England and France, I have had an interview with the President (Mr. Madison) and the Secretary of State (Mr. Robert Smith) who expressed their sentiments to me very freely, relative to the intelligence which was brought by that vessel.

The President observed, that the alteration in his Majesty's Orders in Council by the recent Order which had been communicated by you to Mr. Pinkney, suspending "the operation of the Acts as to any duties on exportation granted by the said acts, as far as relates to articles being the growth, produce, or manufacture of any country being in amity with his Majesty," &c. did not in fact remove the objection entertained by the United States against the Orders in Council, in any degree worthy of notice; that they still violated the neutral rights of this country, as they made it necessary for American ships to pass through England, which was not only an infringement of the independence of the United States, but was completely destructive of their commerce, since the American vessels were prohibited from going to the continent after they had been forced to touch in England.

He remarked also upon the circumstance of Russia and Denmark being comprehended in the operation of the Orders in Council, which, he said, was assuming a new principle, as the Orders had been hitherto rested upon the ground of a right of retaliation, whereas Russia and Denmark have never issued any decree violating neutral rights. He complained severely of this, and went over the same arguments upon these points which he had made use of while he was Secretary of State, and seemed to be greatly disappointed and vexed that no change in the relations of the United States with the belligerents seemed likely to take place before the meeting of the new Congress in May next, as he foresees the serious difficulties and embarrassments in which the United States will be then involved in determining upon the course of conduct which it will be expedient to pursue, as it is universally thought that the Non-intercourse Law cannot last longer than the next session of Congress, and it will become necessary at that time either to abandon all idea of resistance, or to determine to adopt measures of hostility against both belligerents, which could not be carried in the last Congress, and therefore are still less likely to be adopted in the new, which will consist of a larger number of members averse to such a desperate and unavailing course.

The Secretary of State (Mr. Robert Smith) repeated the sentiments which he had often expressed to me when Secretary of the Navy, of regret that his Majesty's Government seemed not to believe that the United States would resist the decrees of France. He thinks the correspondence between the American Minister at Paris (General Armstrong) and the French Government, proves the determination of this Government not to submit to them. He declared to me also, that he knows that war would have been instantly declared against France, upon Great Britain's relaxing her Orders, which, he said, were issued before the United States had an opportunity of ascertaining the illegal interpretation which France meant to put upon her decrees. He added, that he was convinced that even now measures of actual hostility would be adopted against France without hesitation, should Great Britain relax in her Orders so as to afford the United States an opportunity of doing so with honour; but that it would be impossible that they should single out France as an opponent, while Great Britain, contrary to her own declarations, enforced her Orders before any acquiescence on the part of the United States in the French decrees had been proved.—He acknowledged that it might be difficult to bring on a state of actual hostility between this country and Great Britain upon the grounds of any subsisting differences, but that he was desirous that an amicable understanding should prevail between the two countries, which the present state of their relations would entirely prevent. He added, that he was afraid the irritations which were likely to be produced by captures under his Majesty's Orders in Council might lead to serious consequences, which, he said, he should deprecate, as he was unwilling to see the United States thrown into an alliance with France, which he thought already too powerful for the interest of the world. He did not pretend to entertain any partiality towards England, but considered that the interest of the United States was the same at the present moment with that of Great Britain.—These sentiments, as expressed to me by Mr. Robert Smith, are, I believe, very sincere. I have been much acquainted with him, and cannot, I think, be mistaken in the opinion which I have formed of his disposition and feelings upon that subject.—Both the President and the Secretary of State are, I understand, much offended at the appointment of admiral Berkeley to a high command, pending the serious complaint preferred against him by the United States; they have not mentioned the subject to me, as no authentic account of the fact has been yet received, but I expect to hear strong representations upon the subject, should it prove to be well founded.

As I have already had the honour to convey to you my sentiments upon the subject of the Non-intercourse Law in several preceding numbers of my Dispatches, as also upon the general aspect of affairs in this country, I will not trouble you with any further remarks, but beg leave to refer you to the enclosed extract from my (No. 12.) which was sent in his Majesty's packet with the mail of last month, as it contains my opinions upon those topics, which are unchanged.

This Dispatch, as also my (Nos. 14 and 15.) will be carried to England in the American dispatch vessel Pacific, which will sail from hence in a few days with a messenger (a lieut. Read). Another vessel is going at the same time to France with a messenger and Dispatches: Mr. Coles, the private Secretary of the late President, is to be the bearer of them.

Enclosure in Mr. Erskine's (No. 10). Extract from Mr. Erskine's (No. 12.) of the year 1809, *dated Washington,* 15*th March* 1809.

As the ruling Party perceive that it would not be in their power to carry the Eastern States along with them in a war with Great Britain, on the grounds of any subsisting differences between the two countries, they hope that the frequent captures of the vessels belonging to the Eastern States, which are likely to take place in consequence of his Majesty's Orders in Council continuing in operation, may excite an irritation in the minds of the people of those States, and lead them to take a part in the next Congress in any measures which might be pointed against Great Britain.

I continue to be firmly persuaded that Mr. Madison, who has now been pronounced to be the next President, would most willingly seize the first opportunity of recommending to the next Congress to assert the neutral rights against France, should his Majesty deem it to be just or expedient to cause his Orders in Council to be withdrawn, in consequence of a determination being evinced by the United States, not to submit to the aggressions of France; and I conceive that it is not at all improbable that he might authorize Mr. Pinkney to make a communication to you to that effect, as he has frequently in conversation said to me, that no hesitation would be felt in this country, of entering upon hostilities with France, if she did not recall her Decrees; but he always added, that it was impossible the United States could take such a step while his Majesty's Orders were in force, because their justifition could only be attempted on the grounds that the United States had acquiesced in the Decrees of France, which he uniformly contends has never been the case.

It is evident to me that he will be supported in this sentiment by his own party in Congress, and in the country generally, so far as to prevent his feeling himself compelled to single out France as an enemy, while his Majesty's Orders in Council continued in force; but I am perfectly confident that it would be impossible that they could bring on a war with England, unless it should be occasioned, as I have before mentioned, by an irritation produced in the minds of the people of the Eastern States, by the losses which might be sustained by them in their ships and commerce by captures under his Majesty's Orders.

The weight and influence of the Eastern States has been sufficient to force the ruling party to abandon their favourite system of Embargo, and that too without the "painful alternative" of president Jefferson, of war being substituted; but I doubt extremely how far they could compel the Congress and president into a war with France, unless the United States could be called upon to assert its neutral rights, by the temporary removal of his Majesty's Orders in Council, to give them that opportunity.

It appears by the result of the state of the votes for president and vice president, which was declared in the senate yesterday, that Mr. Madison had 122 votes out of 175, and that all the votes except three in the southern and western states were in his favour, besides Pennsylvania; and that two thirds of the votes of the state of New York were given to him. He had also all the votes of Vermont, but that was in consequence of the votes being given by the legislature of that state, which happened to be democratic; besides having 9 out of 12 votes of the state of Maryland.

This vast majority would enable the president elect and his party to resist the solicitations of the four eastern states, should they urge the next Congress to single out France as an enemy; because the same power which has proved incompetent to enforce an illegal, oppressive, and ruinous law, would still be sufficient to withstand a requisition to wage a war, which, however just, would not be likely to be attended with any profit or advantage.

It is true that a Non-intercourse Law may be considered by the Eastern States very objectionable; but as it would be rather a nominal prohibition than a rigorous enforcement, a resistance to it would be less likely to be made, and of less importance if it should take place.—The ultimate consequences of such differences and jealousies arising between the Eastern and Southern States, would inevitably tend to a dissolution of the Union, which has been for some time talked of, and has of late, as I have heard, been seriously contemplated by many of the leading people in the Eastern Division.—I will not however trouble you with any observations upon that important topic, at present; but confine myself to the consequences of the measures about to be adopted in Congress, affecting his Majesty's interest.

Whatever may be the motives of the Congress, for the passing a Non-intercourse Law with England and France, I conceive that great advantages may be reaped from it by England, as she has the command of the seas, and can procure through neutrals any of the produce of this country, besides the immense quantity which will be brought direct to Great Britain under various pretences; whereas France will obtain but little at a great expence and risk, and will only get that little in consequence of the high prices in their markets.

This measure will operate in so partial and discouraging a manner upon the Eastern States, which are commercial, that it would not be submitted to very long, and its effects in preventing the introduction of British manufactures would be trifling, as they would be smuggled into the country with the greatest facility, since the people who alone could interfere with effect, would encourage such a traffic between his Majesty's dominions in Canada, and the adjacent territories of the United States, and in various other ways. —Another advantage arising to Great Britain from the Non-intercourse Law would be, that the interdiction of ships of war from entering the ports of the United States would be general, instead of being directed solely against his Majesty's ships. The Non-importation Law would be also general, and the consequence would be, that his Majesty's subjects could get a great quantity of goods into the United States, but French subjects could not introduce any.—Should his Majesty deem it proper to consider the Non-intercourse Law in the light of a municipal regulation, which the United States had a right to establish, and not as a measure of hostility, I am persuaded that it would not be in the power of any party in this country, even if they wished it, to bring on a war with Great Britain. D. M. ERSKINE.

No. XI.—*Dispatch from the hon. D. M. Erskine, to Mr. Secretary Canning, dated Washington, April 18th, 1809.*

(No. 19) (Two Enclosures.)

Sir; I had the honour of receiving your Dispatches, Nos. 1, 2, 3, 4, 5, of the 23d January, and your separate of the 2d of February; with its several enclosures, which were delivered to me on the 7th by Mr. Oakely, his Majesty's secretary of legation, who arrived on the 3d instant in the Bay of Chesapeake, in his Majesty's ship Rosamond.

I lost no time in endeavouring to carry into effect the important instructions contained in those Dispatches, and accordingly waited upon the secretary of state (Mr. Robert Smith) for the purpose of ascertaining officially the general disposition of this government to enter into an amicable discussion of the differences between the two countries; as it appeared, that the spirit of your instructions seemed to require my particular attention to that point, as being likely to afford the best ground for forming an opinion of the sincerity of those conciliatory professions which I had stated to you I had received, informally, from several members of weight and influence in the late and present administration of this country.

The secretary of state (Mr. Smith) having repeated to me the most unequivocal assurances of a cordial desire being entertained by the president and himself, for an accommodation of all the points of dispute between the United States and Great Britain; I opened the subject of your Dispatch No. 1, namely, the reparation proposed to be tendered on the part of his Majesty for the attack on the Chesapeake; upon which Mr. Smith observed, that as a proof of the sincerity of his wishes that the affair might be amicably settled, he proposed to me previously to the delivery of my Note upon that subject, that we should endeavour to agree upon some terms which would not only be accepted, but which might preclude the necessity of any unfriendly discussions of the causes and consequences of that occurrence.

As this proposal appeared to me to confirm the assurances he had given me of his wish for an amicable accommodation of that affair, I willingly acceded to it, and explained to him the nature of the reparation which was intended to be offered. With the terms of satisfaction for that injury, as far as they went, he appeared to be satisfied; but observed that he had fully expected some assurance would have been given that an adequate punishment, for (what he termed) a flagrant act of aggression, should be inflicted upon the naval officer by whose directions it had been committed, or that at least a court martial would have been ordered by his Majesty upon his conduct; and he added, that as the president had dwelt with so much force upon the propriety and necessity of some redress of that sort, he was afraid he would think it incumbent upon him to require it.

In obedience to your commands, I peremptorily declined holding out the least expectation that any further mark of his Majesty's displeasure would be shewn towards admiral Berkeley on account of the part he took in that transaction.

After a day's consideration on that point by the president, assisted by his cabinet, it was communicated to me by Mr. Robert Smith, that any demand of further punishment would be waved.

I found, in the course of several interviews I had with Mr. Smith, that any allusions which might be made by me to the details of the affair of the Chesapeake, of the causes which led to it, and of the discussions which followed, would be likely to bring on a complicated and fruitless controversy.

I therefore founded my official note upon the circumstance of the equality which had been produced by the operations of the Non-intercourse Act, in the relations of the United States with the belligerent powers, as having afforded the opportunity to his Majesty to offer an honourable reparation for the affair of the Chesapeake, which it is universally known was only withheld on account of the partiality of the proclamation, which has been since merged in the general effect of the Non-intercourse Act.

The reply of Mr. Smith acknowledges the operation of the Non-intercourse in producing that equality, and only intimates, "that it was a result incident to a state of things growing out of distinct considerations." I have the honour of enclosing a copy of my Note, marked (A.) to Mr. Smith, of the 17th instant, and his answer, marked (B.) which terminated our negociation on this subject.

I have, &c. D. M. ERSKINE.

(Enclosure 1.)—(A.)—*Note from the Hon. D. Erskine, to the Secretary of State of the United States, dated Washington, April 17th,* 1809.

Sir; I have the honour to inform you, that I have received his Majesty's commands to represent to the government of the United States, that his Majesty is animated by the most sincere desire for an adjustment of the differences which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not to prevent, an amicable understanding.

It having been represented to his Majesty's government, that the Congress of the United States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other belligerent powers; I have accordingly received his Majesty's commands, in the event of such laws taking place, to offer, on the part of his Majesty, an honourable reparation for the aggression committed by a British naval officer, in the attack on the United States frigate Chesapeake.

Considering the act passed by the Congress of the United States on the first of March (usually termed the Non-intercourse Act) as having produced a state of equality in the relations of the two belligerent powers, with respect to the United States; I have to submit, conformably to my instructions, for the consideration of the American government, such terms of satisfaction and reparation as his Majesty is induced to believe will be accepted in the same spirit of conciliation with which they are proposed.

In addition to the prompt disavowal made by his Majesty, on being apprized of the unauthorized act committed by his naval officer, whose recall, as a mark of the King's displeasure, from an highly important and honourable command, immediately ensued; his Majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion. I have, &c. D. M. ERSKINE.

(Enclosure 2.)—(B.)—*Note from the Secretary of State of the United States to the hon. D. Erskine, dated Department of State, April 17th,* 1809.

Sir; I have laid before the president your note, in which you have, in the name and by the order of his Britannic Majesty, declared that his Britannic Majesty is desirous of making an honourable reparation for the aggression committed by a British naval officer, in the attack on the United States frigate the Chesapeake; that in addition to his prompt disavowal of the act, his Majesty, as a mark of his displeasure, did immediately recall the offending officer from an highly important and honourable command; and that he is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.—The government of the United States having at all times entertained a sincere desire for an adjustment of the differences which have so long and so unhappily subsisted between the two countries, the president cannot but receive with pleasure assurances that his Britannic Majesty is animated by the same disposition, and that he is ready, in conformity to this disposition, to make atonement for the insult and aggression committed by one of his naval officers, in the attack on the United States frigate the Chesapeake.—As it appears, at the same time, that, in making this offer, his Britannic Majesty derives a motive from the equality now existing in the relations of the United States with the two belligerent powers, the president owes it to the occasion, and to himself, to let it be understood, that this equality is a result incident to a state of things growing out of distinct considerations.—With this explanation, as requisite as it is frank, I am authorised to inform you, that the president accepts the note delivered by you, in the name and by the order of his Britannic Majesty, and will consider the same, with the engagement therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained. But I have it in express charge from the president to state, that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic Majesty to his own honour. I have, &c. R. Smith.

No. XII.—*Dispatch from the Hon. D. Erskine, to Mr. Secretary Canning, dated Washington, April 30, 1809.*

(Four Enclosures.)

Sir; As the instructions contained in your Dispatches Nos. I. & II. directed me to regulate my conduct in making any propositions on the part of his Majesty to this government, according to the general disposition which might be shewn by them to come to a complete and cordial understanding with Great Britain, I accordingly used all my efforts to discover whether the professions of such a disposition which had been so often repeated to me unofficially, and lately in the most formal manner, were sincere. The result of further communications persuaded me that the sentiments of this government had been truly represented to me, and I was confirmed in that opinion by the favourable reception of the reparation tendered on the part of his Majesty for the affair of the Chesapeak, the details of which I have given in my preceding number.—With this conviction upon my mind I examined with the greatest attention the tenor of your instructions contained in your dispatch No. I, and particularly the three conditions upon which his Majesty was willing to withdraw the Orders in Council of January and November 1807, as respects the United States.—The first of them I considered would be of course officially recognized by the American government, since the 11th section of the act of Congress, usually termed the Non-intercourse Act, provided for such a contingent proposition.—The second condition named by you I knew would be acquiesced in, not only from the declarations which had been made to me by most of the members of this government, but from the universal opinion of the members of weight and influence in both Houses of Congress, that the principles and object sought to be established by that rule were equitable and would ever be insisted upon by Great Britain.

I foresaw however that a difficulty must arise in obtaining a formal recognation of that point without any reference to other commercial arrangements, which would form the basis of a regular treaty.—The third condition it was obvious could not be objected to, because an American owner of a vessel captured by a British cruiser on account of its destination to France, or to any other country with which an intercourse was prohibited by the laws of the United States, could not complain to this government of such seizure, as the only answer would be, that the enterprize being illegal he had no claim to redress.

Upon my submitting the three conditions to the consideration of the Secretary of State, he made the answer to the first which I had anticipated, namely, that the President would of course assent to it, and in pursuance of the power vested in him by the Congress, would issue a Proclamation for that purpose, to take effect on the same day that the Orders in Council should cease to operate as respects the United States.

With regard to the second, he said, that although he was persuaded that no difficulty would arise in the adjustment of that point conformably to the views of his Majesty's Government when the various articles of a commercial treaty should be brought under discussion; yet it was impossible for the American Government to give an official recognition of that principle as a previous step, because there was no commerce of any kind at present permitted by the laws of the United States to be carried on with France or her dependencies; and that the question therefore must necessarily belong to another state of things, or remain to be adjusted by treaty.

The third condition, Mr. Smith observed, appeared to him to require no recognition, since it was evident that the interference of the Government of the United States could never be recognized by any of its citizens for redress for an injury sustained in consequence of a direct breach of the laws, and that in the event of any such appeal being made, the only answer given would be, that the Government would immediately order the bonds of the petitioner to be put into execution against him for a violation of the laws.—He stated, however, that the circumstance of the Government of the United States stipulating that Great Britain should be allowed to execute their laws, would be degrading to the former, and attended with no advantages to the latter.

Under these circumstances it became my duty to consider, whether the spirit of your instructions would be accomplished by my obtaining an official recognition on the part of this Government of the first condition, and an understanding respecting the two others, in conformity with the views of his Majesty's Government, though not given in a formal manner (for reasons before detailed); or whether it was incumbent on me to forbear from making any proposition, as I could not obtain a compliance with the exact letter of your instructions.—Various considerations of great weight urged me to endeavour to bring about an adjustment of the differences between the two countries upon the points entrusted to my discretion, as far as it was possible without departing from the orders I had received.

The strongest inducement was derived from the communications which I had lately received from Mr. Smith, of the dissatisfaction of the French Minister here with the Non-intercourse Act, the particulars of which I have given in my (No. 17.) as also from the general aspect of the relations of this country with Great Britain and France, as detailed in my (Nos. 17, and 18.) and in some previous Dispatches.

The circumstance of the Congress being about to assemble very shortly, was another reason for wishing to have an amicable arrangement concluded, since the majority of both Houses had pledged themselves to a resistance of the restrictions upon neutral commerce, if it could be pointed against either of the two great belligerent powers separately; and that it was only on account of the impossibility of any successful effort being made, that they were prevented from asserting their rights against both during the last session.

As this Government thought that any long delay in the time for the renewal of the intercourse between Great Britain and the United States would deprive such an arrangement of many of its mutual advantages, and as I fully agreed in that opinion, a day certain (the 10th of June next) was accordingly fixed upon.

The Notes which passed between the Secretary of State and myself, and which I have now the honour to enclose, marked (A.) (B.) (C.) (D). will explain the course pursued in the arrangement that was concluded.

Should his Majesty's Government consider that I have exceeded the limits of my instructions in the engagement I have made on his Majesty's behalf, I am aware that no advantages which might be derived from it to Great Britain could justify my conduct.

I therefore rest my vindication upon the reasons detailed in the foregoing part of this Dispatch, for believing that I have adhered to the spirit and as far as I could to the letter of my orders; but I place my chief reliance on the well-known liberality of his Majesty in appreciating the conduct of his servants.

I will only beg leave to remark, that the agreement has been concluded in the persuasion that an amicable understanding would be settled by the special mission, and with a view to promote so desirable an object.—Should unexpected difficulties occur in forming a treaty, or should his Majesty's envoy extraordinary find reason to doubt the friendly disposition of the United States, it will then rest with his Majesty to take such measures as may be deemed proper according to the actual state of things.—*In the mean time* no injury can be derived, I conceive, from that conditional agreement. I have, &c.

D. M. Erskine.

(Enclosure 1.)—(A.)—*Letter from the Hon. David Erskine, to the American Secretary of State, (the Hon. Robert Smith,) dated Washington, April 18th,* 1809.

Sir; I have the honour of informing

you, that his Majesty having been persuaded that the honourable reparation which he had caused to be tendered for the unauthorized attack on the American frigate Chesapeake, would be accepted by the Government of the United States in the same spirit of conciliation with which it was proposed, has instructed me to express his satisfaction should such a happy termination of that affair take place, not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being established between the two countries.—The favourable change in the relations of his Majesty with the United States, which has been produced by the act (usually termed the Non-intercourse Act) passed in the last Session of Congress, was also anticipated by his Majesty, and has encouraged a further hope, that a reconsideration of the existing differences might lead to their satisfactory adjustment.—On these grounds and expectations, I am instructed to communicate to the American Government his Majesty's determination of sending to the United States an envoy invested with full powers to conclude a treaty on all the points of the relations between the two countries.—In the mean time, with a view to contribute to the attainment of so desirable an object, his Majesty would be willing to withdraw his Orders in Council of January and November 1807, so far as respects the United States, in the persuasion that the President would issue a Proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement, will be removed in the present negotiation. I have, &c.

D. M. Erskine.

(Enclosure 2.)—(B.)—*Letter from the American Secretary of State, to the Hon. D. Erskine, dated Department of State, 18th April* 1809.

Sir; The Note, which I had the honour of receiving from you this day, I lost no time in laying before the President, who, being sincerely desirous of a satisfactory adjustment of the differences unhappily subsisting between Great Britain and the United States, has authorized me to assure you, that he will meet, with a disposition correspondent with that of his Britannic Majesty, the determination of his Majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all the points of the relations between the two countries.—I am further authorized to assure you, that in case his Britannic Majesty should in the mean time, withdraw his Orders in Council of January and November 1807, so far as respects the United States, the President will not fail to issue a Proclamation by virtue of the authority and for the purposes specified in the eleventh section of the Statute commonly called the Non-intercourse Act. I have, &c. R. Smith.

(Enclosure 3.)—(C.)—*Letter from the Hon. D. Erskine, to the American Secretary of State, dated Washington, April 19th,* 1809.

Sir; In consequence of the acceptance by the President, as stated in your letter dated the 18th instant, of the proposals made by me on the part of his Majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare that his Majesty's Orders in Council of January and November 1807 will have been withdrawn, as respects the United States, on the 10th day of June next. I have, &c. D. M. Erskine.

(Enclosure 4.)—(D.)—*Letter from the American Secretary of State, to the Hon. D. Erskine, dated Department of State, April 19th,* 1809.

Sir; Having laid before the President your Note of this day, containing an assurance that his Britannic Majesty will, on 10th of June next, have withdrawn his Orders in Council of January and November 1807, so far as respects the United States, I have the honour of informing you, that the President will accordingly, and in pursuance of the eleventh section of the statute commonly called the Non-intercourse Act, issue a Proclamation, so that the trade of the United States with Great Britain may on the same day be renewed, in the manner provided in the said section. I have, &c. R. Smith.

No. XIII.—*Dispatch from the Hon. David Erskine, to Mr. Secretary Canning, dated Washington, August 3d,* 1809.

Sir; I have the honour to acknowledge the receipt of your Dispatches, Nos. 10, 11, 12, of the 22d, 23d, and 30th of May, originals and duplicates, the former brought in his Majesty's packet Windsor Castle, which arrived at New York on the

25th ultimo, and the latter which were delivered to me yesterday, by lieutenant Gregory, commanding his Majesty's gun-brig Contest, which arrived in Hampton Roads in the Bay of Chesapeake on the 29th ult.—I lost no time in complying with your instructions contained in your No. 13, to deliver a copy of his Majesty's Order in Council of the 24th May last to the secretary of state of this Government, which I accordingly sent to Mr. Robert Smith in a written Note, of which the inclosed is a copy. In obedience to your commands, I also used all the means in my power to make the above-mentioned Order publicly known throughout the United States.—It is with the deepest regret that I find from your Dispatches No. 10. & 11. of the 22d and 23d of May, that his Majesty had disapproved of the manner in which I have executed the instructions which you sent me by Mr. Oakeley, and has been compelled to disavow the provisional agreement which I had lately entered into with this government under the persuasion that it would have met with his Majesty's approbation.

The duty and high respect which I owe to his Majesty would restrain me from making any reply to the animadversions upon my conduct, which you have conveyed to me by his Majesty's commands; but I consider that it is incumbent upon me to offer some observations upon certain points of my negociation, which appear to have been misunderstood, in consequence, I suppose, of my having given respecting them an insufficient or imperfect explanation.

It is stated by you in your No. 10, of the 22d of May, that with respect to the instructions relating to the Chesapeake, which formed the subject of your Dispatch No. 1. of the 23d of January last, I had omitted a preliminary of the most material importance, as the condition of "his Majesty's no longer insisting upon the recall of the proclamation of July 1807, as a preliminary to the adjustment of the difference arising from the affair of the Chesapeake, that the ships of war of France shall in point of fact have been excluded from the ports of the United States, and such ships of that description as were in those ports shall have been warned to depart."—Of this condition, you observe that I appear to have taken no notice whatever; you add also, that the Non-intercourse Bill operated only to the prospective exclusion.

I beg leave to refer you to the first section of the Non-intercourse Law, which you will find excludes the ships of war, from the passing of that act on the first of March; the prohibition therefore was not prospective but immediate, and in fact had been in operation six weeks before I commenced the negotiation.

Upon the subject of the warning which should be given to any French ships in the ports of the United States, the secretary of state, Mr. Robert Smith, informed me, that there were no French ships at present within the waters of the United States, and that if it was to be presumed, that the government would cause their laws to be executed: in the propriety and justice of which sentiment I fully acquiesced.—The preliminary condition above-mentioned was therefore I conceive fulfilled.

Your next objection states, that the Proclamation of the President, of July 1807, is neither withdrawn, nor its operation declared to be at an end.—In explanation of this point, I beg leave to remark that the Non-intercourse Law abrogated even the act upon which the president's proclamation was founded, by the words at the end of the 3d section of that act, inserted by the Congress for that express purpose; which circumstance I communicated to you in my (No. 18.) of the 17th of March, and again in my (No. 19.) of the 18th of April, in which I mentioned that the secretary of state declared to me that the Proclamation was merged in the Non-intercourse. I believe I omitted, in my (No. 19.) to inform you, that Mr. Smith added, that it was impossible to issue a Proclamation to recall an Edict which was already revoked and could not be revived.

The third objection taken by you is upon a point of so delicate a nature, that I proceed to an explanation of it with the greatest caution and deference.—Permit me, Sir, to request that you will lay before his Majesty my most earnest assurances that I would not have allowed any expressions which I thought disrespectful towards his Majesty to have remained unanswered, in any Note I may have received.—It would be an inexcusable presumption in me to attempt to put a different construction upon the expressions contained in the latter part of Mr. Smith's first letter to me, or to view the meaning of the words in a different light from that which you have been pleased to inform me his Majesty has done; but I think it my duty to declare that I do not believe any intention whatever existed in the mind of the President of the United States to convey a disrespectful meaning towards his Majesty by those expressions.—Upon my being informed, by the Secretary of State, that the President would agree to wave any demand for further punishment of the British officer who had caused the attack to be made on the United States frigate Chesapeake, but that it would be impossible to refrain from expressing an opinion that he deserved it, I used all my efforts to persuade this government to give up such an insinuation; not from any idea that I entertained of its being disrespectful to his Majesty, but as it might seem less conciliatory than the disposition of the President had been represented to me, and of the sincerity of which I was fully persuaded.

After I had received Mr. Smith's note, I deliberated upon the propriety of making any observations in answer to those expressions; but I was induced to forbear from sending any reply, by considerations of the policy and propriety of not blending irritating dissension with amicable adjustments.—It appeared to me, that if any indecorum could justly be attributed to the expressions in the official notes of this government, the censure due would fall upon them, and that the public opinion would condemn their bad taste or want of propriety, in coldly and ungraciously giving up what they considered as a right, but which they were not in a condition to enforce.—The feelings of his Majesty upon that point, are a sufficient proof that I have formed an erroneous judgment respecting it; and I have to lament not only that any act or omission on my part should have incurred his Majesty's displeasure, but that it would have been the cause, though unintentionally, of conveying any expression personally disagreeable, or even apparently disrespectful to the sovereign of my country.—I have omitted to mention one circumstance, which is, that the reason why I did not put in a claim on the part of his Majesty to recover from the American government deserters from his Majesty's service, was that they have always declared themselves willing to be guided by the laws of nations upon that subject.

My motives for deviating from the precise line of my instructions relative to the bounty intended by his Majesty for the relations of the killed and wounded on board the Chesapeake, will, I hope, upon explanation be found to be satisfactory.—When I mentioned his Majesty's liberal views upon that point, the Secretary of State informed me, that it would be highly satisfactory if the offer was expressed in general terms, although the government never meant to accept the provision tendered, but would acknowledge the liberality of his Majesty when they might hereafter decline to avail themselves of it, but that if it was put upon the footing of spontaneous generosity, it would not be at all acceptable to the United States. With sentiments, &c. D. M. ERSKINE.

(Inclosure.) — *Letter from the hon. D. Erskine, to the American Secretary of State, dated Washington, July 31st*, 1809.

Sir; I have the honour to enclose to you a copy of an Order, which was passed by his Majesty in Council, on the 24th of May last.—In communicating this Order, it is with the deepest regret that I have to inform you, that his Majesty has not thought proper to confirm the late provisional agreement which I had entered into with you on the part of our respective governments.—Neither the present time nor the occasion will afford me a favourable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his Majesty's wishes, and to the spirit, at least, of my instructions upon that subject. Nor indeed would any vindication of my conduct, whatever I may have to offer, be of any importance, further than as it might tend to shew that no intention existed, on my part, to practise any deception towards the Government of the United States.—I have the satisfaction, however, to call your attention to that part of the inclosed Order which protects the commerce and shipping of the United States from the injury and inconveniences which might have arisen to American citizens from a reliance on the provisional agreement before mentioned; and I cannot but cherish a hope that no further bad consequences may result from an arrangement which I had fully believed would have met with his Majesty's approbation, and would have led to a complete and cordial understanding between the two countries.—With sentiments, &c.

D. M. ERSKINE.

No. XIV.—*Dispatch from the hon. D. Erskine, to Mr. Secretary Canning, dated Washington, August 7th*, 1809.

Sir; Before I proceed to lay before you such explanations as I have to offer, relating to the points mentioned in your dispatch No. 11. of the 23d May, in which you have expressed to me his Majesty's entire disapprobation of my deviations from the instructions contained in your No. 2. transmitted to me by Mr. Oakely; I will take this opportunity of informing you, that the American government did not consult with me on the propriety or expediency of publishing the Notes which passed between the Secretary of State, Mr. Robert Smith, and myself in our negociations, but according to their practice they made public the state of their foreign relations at the moment when they thought it was for the interest of the United States that it should be known.

The reasons which were assigned by the Secretary of State for having done so, were certainly intended as favourable to his Majesty's interest, since he declared it was with a view to exhibit to the people of this country the adjustment of differences with Great Britain which had taken place, and the prospect of a further good understanding, in order that the members of Congress might assemble with favourable sentiments towards Great Britain, as also that the event might be speedily and generally known in France, so as to bring that power to a definitive determination respecting its relations with the United States.

It would be not only superfluous, but might be deemed improper, that I should repeat the reasons already detailed in my (No. 20,) of the 18th of April, which led me to believe that I had conformed to the spirit if not to the letter of your instructions contained in your No. 2. since I have received the communication through you of his Majesty's disapprobation of the manner in which I have executed them.

It remains for me only to declare, that I was greatly influenced in my conduct by the repeated intimations in your instructions (in No. 4. January 23d,) "that the "sincerity of the good disposition possessed by the persons composing the new "American Administration was the point "most important in the view of the "British government."

That disposition I was fully convinced was entertained by this government, which they were ready to evince in any way consistent with the power they held by the constitution of the United States.

His Majesty having thought proper to cause you to communicate his surprize and regret, that I should have received such a Note as that from Mr. Smith, in answer to the offer for reparation for the affair of the Chesapeake, as a proof of the acceptance by the government of the United States of the honourable reparation tendered by his Majesty "in the same spirit of conciliation "in which it was proposed;" I am therefore precluded from offering any observations upon that subject, other than such as I have ventured to make in the preceding number of my dispatches.

As a further apology I may be permitted to observe, that as I had (I conceive) full reason for believing that the disposition of the government of the United States was conciliatory, I may have dwelt in my own mind, while writing my Note in answer to that of Mr. Smith, upon that impression, and may have on that account attributed to Mr. Smith's Note a stronger appearance of conciliation than the language of it may justify.

It is remarked by you in your No. 11. of the 23d of May, that my instructions did not authorize me to hold out the expectation that his Majesty would send an envoy extraordinary to conclude a treaty with the government of the United States, until his Majesty should have received from them an authentic and official recognition of the conditions which I was directed to require.

The conditions were undoubtedly not recognized in the formal manner required by you, because this Government had not sufficient authority to make an engagement as to what should be the determination of the United States through its legislative assemblies upon the state of their foreign relations:

It rested with the Congress alone to declare that the Non-intercourse Law should be continued or not, and in what manner it should be carried into effect. The President could do no more than act upon the law as it existed.

I have already furnished you in my (No. 20.) with my reasons for believing that all the conditions would have been accomplished by the Congress, which had pledged themselves in the most solemn manner to resist the restrictions upon their neutral rights against such powers as should infringe them.

I had informed you in some Dispatches sent before I had received my instructions, that the American Government did not know with sufficient accuracy what nations had issued or enforced decrees violating neutral rights, but that when they could ascertain that fact, there could be no doubt that the Congress would make the Non-intercourse Act to comprehend all such powers as should adopt and act under the decree of France.

It appears from the general tenor of your Dispatches No. 10, and 11, that his Majesty's Government were not willing to trust to assurances from the American Government, but that official pledges were to have been required, which could not be given for want of power, some of them also being of a nature which would prevent a formal recognition:—Had I believed that his Majesty's Government were determined to insist upon those conditions being complied with in one particular manner only, I should have adhered implicitly to my instructions; but as I collected from them, that his Majesty was desirous of accomplishing his retaliatory system by such means as were most compatible with a good understanding with friendly and neutral powers, I felt confident that his Majesty would have approved of the arrangement I had concluded, as one likely to lead to a cordial and complete understanding and co-operation on the part of the United States, which co-operation never could be obtained by previous stipulations either from the government of the United States, who have no power to accede to them, or from the Congress, which would never acknowledge them as recognitions to guide their conduct. I have, &c. D. M. Erskine.

No. XV.—*Dispatch from the Hon. D. Erskine, to Mr. Secretary Canning, dated Washington, Aug.* 10, 1809.

Sir; I beg leave to request that you will be pleased to lay before his Majesty my most grateful acknowledgments for the communication which you have made to me by his commands, that his Majesty entertains "no doubt of the good intentions and zeal for his Majesty's service, by which I have been led to depart from my instructions."

Nothing could have induced me to have deviated in the slightest degree from the orders I had received, but a thorough conviction upon my mind, that by so doing to a certain extent, I should accomplish the object which his Majesty had in view; when, by too strictly adhering to the letter of my instructions, I might lose the opportunity of promoting essentially his Majesty's wishes and interest.

I submit myself with great deference to his Majesty's commands, and shall accordingly deliver to Mr. Jackson, whom his Majesty has been pleased to appoint in my place as Envoy Extraordinary and Minister Plenipotentiary to the United States, all the papers and documents belonging to the mission, whenever he shall present to me his Majesty's orders for that purpose.

No. XVI.—*Letter from the Hon. D. Erskine, to the Hon. Robert Smith, dated Washington, 14th August* 1809.

Sir; I have the honour to acknowledge the receipt of your Letter of the 9th inst. informing me that you had just received a Letter from Mr. Pinkney enclosing a printed paper, purporting to be a Copy of a Dispatch to me from Mr. Canning, which states, among other things, "from the report of your conversations with Mr. Madison, Mr. Galatin, and Mr. Smith, it appears:—1st. That the American Government is prepared, in the event of his Majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously on its part the interdiction of its harbours to ships of war, and all Non-intercourse and Non-importation Acts, so far as respects Great Britain, leaving them in force with respect to France and the powers which adopt or act under her decrees. 2d. That America is willing to renounce, during the present war, the pretension of carrying on, in time of war, all trade with the enemies' colonies, from which she was excluded during peace. 3dly. Great Britain, for the purpose of securing the operation of the Embargo and the *boná fide* intention of America to prevent her citizens from trading with France and the powers adopting or acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of those powers, without which security for the observance of the Embargo, the raising it nominally with respect to Britain alone, would in fact raise it with respect to all the world."

The explanations which you request from me upon that subject shall be given with candour, and I will proceed accordingly to lay before you an abstract of the communications which I made to his Majesty's Government, relative to the unofficial conversations which I had held with

Mr. Madison, then Secretary of State, Mr. Galatin and yourself, at the time and upon the occasion alluded to by his Majesty's Secretary of State (Mr. Canning) in that part of his Instructions to me, of which you inform me you have received a printed Copy from Mr. Pinkney.

Upon referring to my Dispatches, addressed to his Majesty's Government of the 3d and 4th December last, in which these communications are detailed, I conclude that the conversations alluded to must have been held some days previous to that period, and were to the following effect:

Mr. Madison (then Secretary of State) is represented by me to have urged various arguments tending to prove that the United States had exerted all their efforts to persuade the French Government to withdraw their unjust restrictions upon neutral commerce, and that recourse might have been had to measures of more activity, and decision against France than mere remonstrances; but that, in the mean time Great Britain had issued her Orders in Council, before it was known whether the United States would acquiesce in the aggressions of France, and thereby rendered it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

After some other observations, Mr. Madison is stated by me, at that time, to have added, that as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just attention to her rights as a neutral power, by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so from the difficulty of contending with both, but that she must be driven even to endeavour to maintain her rights against the two greatest powers in the world, unless either of them should relax its restrictions upon neutral commerce, in which case the United States would at once side with that power against the other which might continue its aggressions:

That every opinion which he entertained respecting the best interests of his country led him to wish that a good understanding should take place between Great Britain and the United States; and that he thought that the obvious advantages which would thereby result to both countries were a sufficient pledge of the sincerity of his sentiments.

These observations, Sir, I beg leave to remark, were made to me by Mr. Madison about a month after the intelligence had been received in this country of the rejection by his Majesty's Government of the proposition made through Mr. Pinkney by the President for the removal of the Embargo, as respected Great Britain, upon condition that the Orders in Council should be withdrawn as respected the United States; and his sentiments were, as I conceived, expressed to me in order that I might convey them to his Majesty's Government, so as to lead to reconsideration of the proposition abovementioned, with a view to the adjustment of the differences upon that subject between the respective countries.—But I never considered that Mr. Madison meant that the Government of the United States would pledge themselves beyond the proposition respecting the Embargo as above stated, because that was the extent of the power of the President by the Constitution of the United States.—I understood very distinctly that the observations of the Secretary of State were intended to convey an opinion as to what ought and would be the course pursued by the United States, in the event of his Majesty's Orders in Council being withdrawn.—In these sentiments and opinions you concurred, as I collected from the tenor of several conversations which I held with you at that period.—With respect to the second point, as stated in your letter to be contained in "a Dispatch from Mr. Canning," I beg leave to offer the following explanation:—In the course of a private interview I had with Mr. Galatin (the Secretary of the Treasury) he intimated that the Non-intercourse Law which was then likely to be passed by the Congress ought to be considered as removing two very important grounds of difference with Great Britain, namely, the Non-importation Act as applicable to her alone, and also the President's Proclamation, whereby the ships of Great Britain were excluded from the ports of the United States, while those of France were permitted to enter; but that by the Non-intercourse Law both powers were placed on the same footing. He did not pretend to say that this measure had been taken from any motives of concession to Great Britain, but as in fact these consequences followed, he conceived they might be considered as removing the two grand obstacles to a conciliation.—He adverted also to the probability of an adjustment of another important point in dispute between the two countries, as he said he knew that it was intended by the United States to abandon the attempt to carry on a trade with the colonies of belligerents in time of war, which was not allowed in time of peace, and to trust to the being permitted by the French to carry on such trade in peace so as to entitle them to a continuance of it in time of war.

As it may be very material to ascertain what "trade with the colonies of belligerents" was (in my conception) meant by Mr. Galatin as intended to be abandoned by the United States, I feel no hesitation in declaring that I supposed he alluded to the trade from the colonies of belligerents direct to their mother country or to other belligerents, because the right to such trade had been the point in dispute; whereas the right to carry on a trade from the colonies of belligerents to the United States had never been called in question, and had been recognized by his Majesty's Supreme Court of Admiralty, and the terms even upon which such colonial produce might be re-exported from the United States had been formally arranged in a treaty signed in London by the Ministers Plenipotentiary of both countries, which was not indeed ratified by the President of the United States, but was not objected to as to that article of it which settled the terms upon which such trade was to be permitted.

Such was the substance, Sir, of the unofficial conversations which I had held with Mr. Madison, Mr. Galatin and yourself, which I did not consider or represent to his Majesty's Government as intended with any other view than to endeavour to bring about the repeal of the Orders in Council, by shewing that many of the obstacles which had stood in the way of an amicable adjustment of the differences between the two countries were already removed, and that a fair prospect existed of settling what remained, since the United States had exhibited a determination to resist the unjust aggressions upon her neutral rights, which was all that Great Britain had ever required; but I certainly never received any assurances from the American Government that they would pledge themselves to adopt the conditions specified in Mr. Canning's instructions as preliminaries; nor did I ever hold out such an expectation to his Majesty's Government, having always stated to them, that in the event of his Majesty thinking it just or expedient to cause his Orders in Council to be withdrawn, that the President would take off the Embargo as respected England, leaving it in operation against France and the Powers which adopted or acted under her decrees, according to the authority which was vested in him at that time by the Congress of the United States, and that there was every reason to expect that a satisfactory arrangement might be made upon the points of the colonial trade which had been so long in dispute between the two countries.

As to the third condition referred to by you, specified in Mr. Canning's instructions, I have only to remark, that I never held any conversation with the members of the Government of the United States relative to it, until my late negociation, or had ever mentioned the subject to his Majesty's Government, it having for the first time been presented to my consideration in Mr. Canning's Dispatch to me of the 23d of January, in which that idea is suggested, and is stated to have been assented to by Mr. Pinkney.—It would be unavailing at the present moment to enter upon an examination of the "pretensions set forth in Mr. Canning's Letter of Instructions," which you are pleased to term "extraordinary."—I consider it however to be my duty to declare, that during my negociation with you, which led to the conclusion of the provisional agreement, I found no reason to believe that any difficulties would occur in the accomplishment of the two former conditions, as far as it was in the power of the President of the United States to accede to the 1st, and, consistently with the explanation which I have before given, of the 2d point. On the contrary, I received assurances through you that the President would comply (as far as it was in his power) with the first condition, and that there could be no doubt that the Congress would think it incumbent upon them to assert the rights of the United States against such Powers as should adopt or act under the decrees of France, as soon as their actual conduct or determinations upon that subject could be ascertained, but that in the mean time the President had not the power and could not undertake to pledge himself in the formal manner required to that effect.—I received also assurances from you, that no doubt could reasonably be entertained that a satisfactory arrangement might be made in a Treaty upon the subject of the 2nd condition mentioned in Mr. Canning's Instructions, according to my explanation of it in the foregoing part of this Letter, but that it necessarily would form one article of a Treaty, in which the various pretensions of the two countries would be settled.

The 3d condition you certainly very distinctly informed me could not be recognized by the President; but you added what had great weight in my mind, that you did not see why any great importance should be attached to such a recognition, because it would be impossible that a citizen of the United States could prefer a complaint to his Government on account of the capture of his vessel while engaged in a trade absolutely interdicted by the laws of his country.—Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's Dispatch of the 23d of January, which formed but one part of his several instructions to me, in the formal manner required, I considered that it would be in vain to lay before the Government of the United States the Dispatch in question, which I was at liberty to have done *in extenso* had I thought proper. But as I had such strong grounds for believing that the object of his Majesty's Government could be attained, though in a different manner, and the spirit at least of my instructions be fully complied with, I felt a thorough conviction upon my mind that I should be acting in conformity with his Majesty's wishes, and accordingly concluded the late provisional agreement on his Majesty's behalf with the Government of the United States.—The disavowal by his Majesty is a painful proof to me that I had formed an erroneous judgment of his Majesty's views and the intention of my Instructions, and I have most severely to lament that an act of mine (though unintentionally) should produce any embarrassments in the relations between the two countries.—It is a great consolation to me, however, to perceive that measures have been adopted by both Governments to prevent any losses, and to obviate any inconveniences which might have arisen to the citizens or subjects of either country, from a reliance on the fulfilment of that provisional agreement; and I cannot but cherish a hope that a complete and cordial understanding between the two countries may be effected.—I beg leave to add, that it would give me great happiness to have contributed to so desirable an object, and to offer you the assurances of the great respect and high consideration with which I remain, Sir, &c. D. M. Erskine.

No. XVII.—*Letter from the Hon. David Erskine, to the Hon. Robert Smith, dated, Washington, July* 31, 1809.

Sir; I have the honour to inclose to you a copy of an Order, which was passed by his Majesty in Council on the 24th of May. In communicating this Order, it is with the deepest regret that I have to inform you, that his Majesty has not thought proper to confirm the late provisional agreement which I had entered into with you on the part of our respective Governments.—Neither the present time, nor the occasion, will afford me a favourable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his Majesty's wishes, and to the spirit at least of my Instructions upon that subject; nor indeed would any vindication of my conduct (whatever I may have to offer) be of any importance, further than as it might tend to shew that no intention existed on my part to practise any deception towards the Government of the United States.—I have the satisfaction, however, to call your attention to the part of the enclosed Order, which protects the commerce and shipping of the United States from the injury and inconveniences which might have arisen to American citizens from a reliance on the provisional agreement before mentioned; and I cannot but cherish a hope, that no further bad consequences may result from an arrangement, which I had fully believed would have met with his Majesty's approbation, and would have led to a complete and cordial understanding between the two countries. With sentiments, &c. D. M. Erskine.

PAPERS PRESENTED TO THE HOUSE OF COMMONS RELATING TO AMERICA. —*Ordered, by the House of Commons, to be printed, 9th February,* 1810.—[No. II.]

No. I.—*Letter from Mr. Secretary Canning to Mr. Pinkney, dated Foreign Office, 27th May,* 1809.

Sir; According to the intimation which I gave you in our last conference, I have now the honour to inclose to you a copy of the Order in Council which his Majesty has directed to be issued, for the purpose of preventing, as far as possible, any inconvenience or detriment to the merchants in the United States, who may have entered into commercial speculations on the faith of the unauthorized engagements of Mr. Erskine, previously to the notification in America of his Majesty's disavowal of these engagements.—Having had the honour to read to you, *in extenso,* the Instructions with which Mr. Erskine was furnished, it is not necessary for me to enter into any explanation of those points in which Mr. Erskine has acted not only not in conformity but in direct contradiction to them.—I forbear equally from troubling you, Sir, with any comment on the manner in which Mr. Erskine's communications have been received by the American Government, or upon the terms and spirit of Mr. Smith's share of the correspondence.—Such observations will be communicated more properly through the Minister whom his Majesty has directed to proceed to America—not on any special mission (which Mr. Erskine was not authorized to promise, except upon conditions not one of which he has obtained) but as the successor of Mr. Erskine, whom his Majesty has not lost a moment in recalling.—I have, &c.

GEORGE CANNING.

No. II.—*Dispatch from the Hon. David Erskine to Mr. Secretary Canning. dated Baltimore, August 31st* 1809.

Sir; I have the honour of enclosing copies of a Correspondence, which has passed between the Secretary of State, (Mr. Robert Smith) Mr. Gallatin, and myself, upon the subjects therein detailed. I have, &c. D. M. ERSKINE.

No. III.—*Letter from the Hon. Robert Smith to the Hon. David Erskine, dated Department of State, August 9th,* 1809.

Sir; I have just received from Mr. Pinkney a letter, enclosing a printed paper, purporting to be a copy of a Dispatch to you from Mr. Canning, which states, among other things, that from the report of your conversation with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears,—1. That the American Government is prepared, in the event of his Majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously, on its part, the interdiction of its harbours to ships of war, and all Non-intercourse and Non-importation acts, so far as respects Great Britain, leaving them in force with respect to France and the powers which adopt or act under her Decrees. 2. That America is willing to renounce, during the present war, the pretension of carrying on, in time of war, all trade with the Enemy's colonies, from which she was excluded during peace. 3. Great Britain, for the purpose of securing the operation of the Embargo, and the *bonâ fide* intention of America to prevent her citizens from trading with France, and the powers adopting and acting under the French Decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these powers, without which security for the observance of the Embargo, the raising it nominally with respect to Great Britain alone, would in fact raise it with respect to all the world.

I have the honour to request you to favour me with such explanations as your candour will at once suggest, in relation to these imputed conversations. I forbear to express to you, Sir, the surprise that is felt at the extraordinary pretensions set forth in this letter of instruction, and especially at the expectation that this Government would, as a preliminary, recognize conditions, two of which are so manifestly irreconcilable to the dignity and interest of the United States. I however would remark, that had you deemed it proper to have communicated *in extenso* this letter, it would have been impossible for the President to have perceived in its conditions, or in its spirit, that conciliatory disposition which had been professed, and which, it was hoped, had really existed. I have, &c. R. SMITH.

No. IV.—*Letter from Albert Gallatin, Esq. to the Hon. D. Erskine, dated Washington, 13th August* 1809.

Sir; I do not believe that, in the conversations we have had respecting the practicability of an adjustment of the differences between the United States and Great Britain, we ever have misunderstood one another; yet as from Mr. Canning's instructions lately published by your Government, it would seem that some opinions are ascribed to several members of this administration, which they did not entertain, it appears necessary to ascertain whether, on any point, a misapprehension can have taken place. I will forbear making any observations on what, in the instructions, is called the third condition, since it is not asserted that that inadmissible proposition was suggested at Washington.

The points embraced in Mr. Canning's first proposition, formed the principal topic of our conversations relative to a revocation of the Orders in Council, yet in the manner in which that proposition is expressed, it goes further than had been suggested by the members of this administration. It is sufficiently evident from the proceedings of Congress, both previous and subsequent to the unratified agreement of April last, that the United States intended to continue the restrictions on the commercial intercourse with France, whilst such of her Decrees as violated our neutral rights continued in force, and to remove those restrictions, in relation to Great Britain, in the event of a revocation of the Orders in Council. But that state of things, so far as it related to France, was to result from our own laws, known or anticipated by your Government when they authorized an arrangement; and it was not proposed by us, that the continuance of the non-intercourse with France should be made a condition of that arrangement. Whilst on that subject, I will add an observation, though perhaps not immediately connected with the object of this letter. I think that the object of that proposition, so far as it agreed with your previous understanding of the intentions of this Government, has been substantially carried into effect on our part. It is true that your Government might, at the date of the Instructions, have expected from the incipient proceedings of Congress, that Holland would be embraced by the restrictive laws of the United States: not only however was the omission nominal, since American vessels were, at the time, by the Decrees of that country, refused admission into its ports; but under the same construction of our laws, by which the commercial intercourse with Holland was permitted, that with Portugal was also considered as legal, in the event of that country being occupied by the British in the name of the Prince Regent.

It is therefore principally as respects the second condition, which relates to the colonial trade, that erroneous inferences might be drawn from the expressions used in Mr. Canning's Instructions. Although the subject must have been mentioned here incidentally, and only in a transient manner, as it is one to which I had paid particular attention, and on which my opinion had never varied, I think that I can state with precision in what view I have always considered it, and must have alluded to it.

First.—I never could have given countenance to any opinion that the United States would agree, or that it would be proper to make any arrangement whatever respecting the colonial trade, a condition of the revocation of the Orders in Council.—The two subjects were altogether unconnected, and I am confident that such a proposition was never suggested either by you, or by any member of this Administration. Such an arrangement could be effected only by treaty; and it is with a considerable degree of surprise that I see your Government now asking, not only resistance to the French Decrees, but the abandonment of a branch of our commerce, as the price of the revocation of the Orders in Council. This seems to give a new character to a measure which had heretofore been represented as an act of retaliation reluctantly adopted, and had been defended solely on the ground of a supposed acquiescence on the part of the United States in the injurious Decrees of another nation.

Second.—In the event of a treaty embracing all the points in dispute, and particularly that of impressments, without which I trust no treaty will ever take place, it was my opinion, and certainly I may have expressed it, that if the other objects of difference were arranged, that respecting the colonial trade would be easily adjusted. I had considered the principles recognized in a former correspondence between lord Hawkesbury and Mr. King on the subject of the colonial trade, and subsequently again adopted in the treaty negociated by Messrs. Munroe and Pinkney, as a general basis agreed on, under different Administrations, by both Governments, from which neither could now recede, and susceptible only of modifications as to details. The Instructions to our ministers in London on that subject, had also been published, and were known to your Government.—I therefore believed that the United States, in the event of a treaty, would still be disposed to wave for the present, in the manner and on the terms contemplated by those Instructions, their right to that branch, and to that branch only, of the colonial trade, known by the name of direct trade; that is to say, the trade carried directly from belligerents colonies to the belligerents in Europe, where that trade was not permanently in peace, as in war, permitted by the laws of the country to which those colonies belonged. But the right to a trade between such colonies and the United States generally, and to that in colonial articles between the United States and other countries, never can or will in my opinion be abandoned, or its exercise be suspended by this Government; on the contrary, it is solely in order to secure, by an express stipulation, that trade against the danger of interruption, and thus, by a mutual spirit of accommodation, to avoid collisions, that the abandonment of the direct branch can ever be assented to.

Permit me, therefore, to request that you will inform me, whether you understood me on those two points, as I certainly meant to be understood, namely, that the relinquishment, during the present war, of what is called the direct trade, was alone contemplated, and that no arrangement on that subject was suggested as a condition of the revocation of the Orders in Council. I have, &c.

Albert Gallatin.

No. V.—*Copy of a Letter from the Hon. David Erskine to Albert Gallatin, esq. dated Washington, 15th August,* 1809.

I have the honour to acknowledge the receipt of your Letter of the 13th instant, in which you have been pleased to say, that although you " do not believe that, in the conversations we have had respecting the practicability of an adjustment of differences between the United States and Great Britain, we ever have misunderstood one another; yet as from Mr. Canning's Instructions lately published by my Government, it would seem that some opinions are ascribed to several members of this administration, which they did not entertain, it appears necessary to ascertain whether, on any point, a misapprehension can have taken place."—In answer to your enquiries, I have great satisfaction in assuring you, that there appears to have been no misunderstanding respecting the substance or meaning of the conversations which passed between us, as stated in Mr. Canning's Instructions alluded to.—After the most careful perusal of your statement of the purport of our conversations, I cannot discover any material difference from the representation which I have made upon that subject to the Secretary of State, (Mr. Robert Smith) in my Letter to him of the 14th instant, to which I will therefore beg leave to refer you, as I have therein detailed the substance of the conversation, according to my recollection of it; which is in every respect essentially the same as that which you seem to have entertained.—During the conversation which we held respecting the practicability of an amicable adjustment of the differences between the two countries, when the relinquishment by the United States during the present war of what is called the colonial trade was suggested by you, I conceived that you meant (as you have stated) " the trade carried directly from belligerent colonies to the belligerents in Europe, where that trade was not permanently in peace, as in war, permitted by the laws of the country to which those colonies belonged."—I never supposed that you intended to convey an opinion that the Government of the United States would make any arrangement respecting the colonial trade as a condition of the revocation of the Orders in Council, the two subjects being altogether unconnected; nor have I ever represented to his Majesty's Government that such preliminary pledges would be given. I am, &c.

D. M. Erskine.

Report from the Select Committee on Marine Insurance.

The Select Committee appointed to consider of an Act made in the 6th year of King George the First, intituled, "An Act for better securing certain powers and privileges intended to be granted by His Majesty by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending money upon Bottomry, and for restraining several extravagant and unwarrantable practices therein mentioned;"—and of the state and means of effecting Marine Insurance in Great Britain;—and to report the same, with their Observations and Opinion thereupon, from time to time, to the House:—And to whom the several Petitions which have been presented to this House in this Session of Parliament upon the subject of Marine Insurance, were referred;—And who were empowered to report the Minutes of the Evidence taken before them;——Have, pursuant to the Order of the House, considered these several matters; and have agreed upon the following Report.

In a country where commerce in all its various branches has been carried to such unexampled extent, where we have so much of the produce of our soil and of our industry to exchange for that of the rest of the world, and from our insular situation so much to exchange among ourselves by the navigation of the seas, and where the most perfect and improved mode of this circulation is so much connected not only with the comforts of individuals, but through the revenue with the safety of the state, no subject can be of more real and extensive importance than that which has been referred to your Committee. Duly impressed with this opinion, they have collected such evidence as they thought best calculated to inform them of the present state of Marine Insurance in the country, and to guide their judgments as to any measures which it might be expedient to recommend to the House. The Minutes of this evidence accompany this Report; and your Committee in submitting to the House the opinions which after the most diligent investigation they have formed, and the Resolutions to which these opinions have led them, proceed to consider the subject in the following natural order:

I. The nature of the exclusive privilege conferred upon the Royal Exchange Assurance and the London Assurance Companies, and the manner and extent of its exercise by those Companies.

II. Its effects upon Marine Insurance, and the state of and means of effecting Marine Insurance in this country.

III. The importance of a better system to the commerce and revenues of the empire, and to all parties concerned.

I. The nature of the exclusive privilege, and the manner and extent of its exercise.

The act of the 6th Geo. 1. c. 18, provides for the incorporation of the Royal Exchange and London Assurance Companies, for the purpose of effecting Marine Insurances, to the total exclusion of all other corporations or bodies politic, and all societies and partnerships whatsoever, who are "restrained from granting, signing, or underwriting any policy or policies of insurance, or making any contract for insurance of or upon any ship or ships, goods or merchandizes, at sea or going to sea."—Sec. 12.

The legislature however even of those times, when political economy was imperfectly understood, apparently distrusting the policy of the extraordinary privileges thus granted, provides for their determination at any period within the 31 years next ensuing, on giving three years previous notice and repayment of the monies which each of the Companies advanced to government; and after the expiration of the said 31 years, a power is reserved to repeal those rights without any previous notice or any repayment, if they should be judged hurtful or inconvenient to the public; but with this declaration, "that the same corporations, or any corporation or corporations with the like powers, privileges, benefits and advantages, shall not be grantable again to any persons or corporations whatsoever, but shall remain suppressed for ever, as having been found inconvenient and prejudicial to the public."

The sum which each Company engaged to pay government, was 300,000*l.* but they were severally excused the payment of one-half thereof by another act of parliament (7 Geo. 1. c. 27, s. 26) from which it appears that each of them had obtained a separate charter for the assurance of houses and goods from fire, but without an exclusive privilege.

Thus neither Company paid more than 150,000*l.* to the public, of which sum 38,750*l.* was the consideration of their fire assurance charter; so that, in truth, neither paid for their exclusive privilege more than 111,250*l.*

The exclusive privilege of the two Companies rests therefore altogether upon the 6th Geo. 1. c. 18, which provides for its determination in the manner which has been stated.

It appears indisputable, that, the Companies having possessed their exclusive privileges more than twice the period of time for which they paid any valuable consideration, no claim can be set up for their continuation, should the House be of opinion that the existence of such privileges are according to the words of the act, "hurtful or inconvenient to the public." From the sequel of this Report it will appear that this is decidedly the opinion of your Committee; and should the House adopt their recommendation, to repeal the exclusive privilege of the two Companies, but to preserve to them unimpaired all their other chartered rights, there is every reason to believe that this necessary sacrifice for the general good can be attended with little if any injury to the Companies themselves, as it is not probable that their Marine Insurance business will be diminished below that very limited extent to which they confine themselves.

It is not necessary for the present purpose of your Committee to animadvert upon the several inconsistencies of the act by which the two Companies were incorporated; nor to discuss the question, whether the House should hold itself bound by the very singular restriction of the rights of future parliaments, to grant such powers and privileges to any Companies hereafter as might be abrogated from those now existing, because your Committee could not recommend to the House to grant the same exclusive privileges to any Company.

The motives which induced the legislature to grant these privileges in 1719, are set forth in the preamble of the act, which among other things recites, "that it is found by experience, and that many particular persons after they had received large premiums or consideration monies for or towards the insuring ships, goods, and merchandize at sea, having become bankrupts, or otherwise failed in answering or complying with their policies of assurance; whereby they were particularly engaged to make good or contribute towards the losses which merchants or traders have sustained, to the ruin or impoverishment of many merchants and traders, and to the discouragement of adventurers at sea, and to the diminution of the trade, wealth, strength, and public revenues of this kingdom:

"And whereas it is conceived, that if two several and distinct corporations, with a competent joint stock to each of them belonging, and under proper conditions, restrictions and regulations, were erected and established for assurance of ships, goods or merchandizes, at sea or going to sea, exclusive of all or any other corporations or bodies politic already created or hereafter to be created, and likewise exclusive of such societies or partnerships as now are or may hereafter be entered into for that purpose, several merchants or traders who adventure their estates in such ships, goods or merchandizes, at sea or going to sea (especially in remote or hazardous voyages) would think it much safer for them to depend on the policies of assurances of either of these two corporations so to be created and established, than on the policies or assurances of private or particular persons."

On enquiring into the manner and extent of the exercise of these rights by the Companies, it appears evident that the intentions of the legislature have been wholly disappointed. Whether these Companies have, as Companies are very apt to do, degenerated from their original principles, it is certain that at present, instead of relieving the merchants as the act supposes they would, from the insolvency of individual underwriters, the whole of their transactions are insignificant, when compared to the general Insurance business of the country; and that instead of affording that relief, as the act again supposes they would, "especially in remote and hazardous voyages," it appears that both Companies seldom insure risks of this description. The chartered Companies do not insure quite four parts out of 100 of the Insurances of Great Britain, so that for the remaining 96 parts the merchants continue exposed to all the consequences from which the act of parliament meant to relieve them.

From the return made to your Committee of the gross amount of value insured on sea risks by the two Companies, for the last five years, it appears that the average for those years amounts, for the Royal Exchange Assurance Company to 3,720,000*l.* and for the London, to 1,452,000*l.*

The amount insured by the London Company would be hardly more than a single mercantile house might require, and both added together would not exceed what two of the most considerable individual underwriters would write in one year.

That the extent of the Insurances done by the Companies does not amount to four parts in 100 of the total Insurances effected in Great Britain, is apparent from an account which has been laid before your Committee of the gross amount of the Stamp Duties paid upon policies of Marine Insurance for the last nine years. In the year 1800 the gross amount of those duties was 113,442*l.* 18*s.* of which 4,076*l.* 7*s.* 6*d.* was paid by the Royal Exchange Assurance Company, 1,279*l.* 7*s.* 6*d.* by the London Assurance Company, and 9,216*l.* 5*s.* 8*d.* by Scotland. In the last year the gross amount of these stamp duties for the Metropolis and for Scotland, was 348,592*l.* 1*s.* 10½*d.* of which 8,209*l.* 1*s.* 3*d.* was paid by the Royal Exchange Assurance Company, 4,729*l.* 15*s.* by the London Assurance Company, and 17,136*l.* 8*s.* 9*d.* by Scotland.

It is evident that the commerce of the country has very much outgrown the capital, and the whole system upon which these Companies were originally founded. But to clear up this part of the subject, it may be proper to submit some estimate of the insured and insurable property at the present time, compared with the period of the establishment of the chartered Companies.

From an account laid before your Committee, it appears that the total tonnage of British registered vessels in the year 1778 (being the earliest period at which the same can be made up) was 1,363,488*l.* but the tonnage of such vessels in the last year amounted to 2,368,468.

The exports and imports in the year 1719 amounted only to 12,202,215*l.* but in the last year they amounted to 80,708,823*l.* of official value, exclusive of the imports from the East Indies and China.

The extent of the trade and commerce of the empire at the present period, will further appear from the number of ships and vessels cleared outwards and inwards for the last three years. The number in the last year was no fewer than 37,607.

The total amount of the sums insured by the Royal Exchange Assurance Company in the last year amounted to 3,905,755*l.* and the total Insurances effected by the London Assurance Company in the last year amounted to 2,250,000*l.*

But the total sum insured in Great Britain in the last year amounted to 162,538,905*l.* as will appear from the following statement.

The Amount of the 5*s.* Stamp Duty in the City of London in the year 1809 was 311,787 *l.*; consequently there was insured to the amount of	£.124,714,800
The Amount of the 2*s.* 6*d.* Duty was 19,577 *l.*; consequently there was insured to the amount of............	15,763,600
The 5*s.* and 2*s.* 6*d.* Duties are not distinguished for Scotland, but the total amount being 17,136*l.* if the same proportion be taken that the 2*s.* 6*d.* Duty bears to the 5*s.* Duty in England, that is about 7*l.* per cent. this will give of 5*s.* Duty for Scotland 15,844*l.*; consequently there was insured to the amount of	6,360,600
And this will leave of 2*s.* 6*d.* Duty the amount of 1,241*l.*; upon which there must have been insured......	992,900
No Return has been made of the Stamp Duties on Marine Policies in the parts of England exclusive of the Metropolis, the Distributors not having distinguished them in their Returns to the Head Office; but supposing them to be double those of Scotland, this will give insured by the 5*s.* Duty	12,721,200
And by the 2*s.* 6*d.*.........	1,985,800
Total sum insured	£.162,538,900

Large as this sum is, it amounts to little more than one-half of the sum that might have been insured in Great Britain in the last year, as will appear from the following estimate:

The amount of the Imports for the last year was	£.30,406,560
The Exports	50,301.763
Official value	80,708,823
(Exclusive of the Imports from the East Indies and China.)	
Difference between real and official value, say, £.50 per cent.	40,354,421
	£.121,063,244
Tonnage of British Vessels for the year 1809, 2,368,468 tons, at £.10 per ton	23,684,680

Freight, at £.5 per ton	11,342,340
Tonnage of Foreign Vessels, at £.20 per ton, 1,459,046 tons ...	29,180,920
Freight, at £.10 per ton	14,590,460
Difference between the tonnage of British Vessels cleared inwards and outwards (3,070,725) for the year 1809, and the tonnage (2,368,468) of registered British Vessels for the year 1809, being 702,257 tons, at £. 10. per ton	7,022,570
Freight, at £ 5. per ton	3,511,285
Value of Goods carried coastwise, say one-half of the Exports and Imports	60,531,622
Value of Foreign Adventures upon British Capital, Irish Insurances, American and other Foreign Insurances effected in Great Britain	50,000,000
Total that might have been insured, exclusive of Imports from the East Indies and China	£.320,927,121

If the above statement be correct (and it is conceived not to be over stated) the total sum that might have been insured in Great Britain in the last year, was 320,927,121*l.* But the sum actually insured was only 162,538,900*l.*; Leaving a sum uninsured to the amount of £158,388,221*l.*

Whether the proportion is taken from the stamp duties or the amount of the sums insured, it will be found that the two chartered companies insured less than four parts out of one hundred of the whole insurances effected in Great Britain.

It thus appears, that the marine insurance business of these companies is of an extent disproportioned to the demands of the country, and wholly inadequate to the unbounded expectations of the legislature.

Several of the merchants called before your Committee concur in stating, that though they would much prefer making their insurances with the companies, and would pay a higher premium to them than the risk is supposed to be worth by the underwriters at Lloyd's Coffee-house, yet that owing to the cautious system of the companies they are seldom able to deal with them.

It appears probable that the companies, by relaxing in some degree the rigour of their terms, might command much additional business. Indeed when it is considered that the capital at first raised by these companies did not exceed 600,000*l.* and that they carry their fire and life insurances to a much more considerable extent than their marine insurances, the limits they prescribe to themselves may be very wise and proper.

The capital of the Royal Exchange company appears to have been much increased by their success, and is stated now to be worth about two millions. What changes have taken place in that of the London Assurance Company does not appear, your Committee having made no enquiry into that fact. So much, however, is evident, that in the present times, when the value of insurable property of every description is so much increased, the capitals which in the year 1719 were by parliament thought sufficient to afford the public a proper security for sea risks only, in the then contracted state of trade, must be very inadequate to answer the addition since made of fire and life risks, besides the immensely increased value of the property subject to these three distinct species of insurance.

Though, therefore, the cautious conduct of these companies may be proper, and consistent with their interest and with their duties, yet the intention of the legislature in granting them an exclusive right of effecting, as companies, Marine Insurances, are evidently defeated. They do not and they cannot afford any adequate accommodation to the merchants. And though these transactions, as far as they go, are of service (and it is not intended by your Committee to recommend any thing to prevent their continuance) yet their right to exclude all other societies and corporations from doing what they can with their monopoly so inadequately perform themselves, appears to be decidedly, according to the words of the act of incorporation, "inconvenient and prejudicial to the public," and as such may and should be repealed. The framers of the act in question seem to have thought that Insurances are best done by companies: whatever may be the opinion of the House on this point at present, there can be little doubt of the absurdity of suffering a monopoly to exist, more effectual in its hindrance than its performance, where such a monopoly can, as in the present instance, be repealed without any violation of public faith.

II. The effect of the exclusive privilege upon Marine Insurance, and the state of and means of effecting Marine Insurances in this Country.

The most obvious effect has been to drive the business of Marine Insurance into a situation directly the reverse of that intended by the act of parliament; that is, it has been obliged to resort almost entirely to individual security, from the consequences of which it was the object of the act to relieve merchants and traders.

Its effect in the city of London has been to compel individuals to assemble together, in order to underwrite separately, while it has prevented them from associating to make insurances jointly. Hence the establishment of Lloyd's Coffee-house, where every person meaning to underwrite must attend during the time necessary for that purpose. But the first merchants in the city of London do not and cannot attend Lloyd's Coffee-house. This exclusive privilege, therefore, operates as a monopoly not merely to the companies, but to Lloyd's Coffee-house.

It will appear from the evidence, that the merchants pretty generally complain of the mode of transacting business at the Coffee-house, which, on the other hand, is as generally defended by the underwriters and brokers. Without pretending positively to decide between such contradictory opinions, your Committee, in forming theirs, think it most prudent to confine themselves to obvious deductions from general principles, and from such facts as appear well established.

From individuals being prevented from associating as in other trades, much inconvenience must infallibly result both to the insurer and insured, and the security of the latter must be lessened. The necessity of applying to so many single persons, either for signing a policy or for settling a loss, and the having in case of death no surviving partner to settle with, are, with many other circumstances which it is unnecessary to detail, such obvious disadvantages, that there can be little doubt that partnerships and associations will be formed, if the law should permit it; and at all events, merchants and underwriters, being left to manage their concerns unfettered by any restrictions, will soon fall into that system best suited to their general convenience.

That there is great difficulty and trouble in effecting insurances, may be safely inferred from the singularly high compensation retained by the brokers. It appears that they retain for their agency about 25 per cent. of the total balances of premiums paid by them to the underwriters, so that one-fourth part of the total profits on underwriting is received by the brokers.

A practice appears to prevail at the Coffee-house, which is the subject of very general complaint among the merchants. During the months of August, September, October, November and December, a great number of the underwriters withdraw from Lloyd's Coffee-house. The merchants ascribe this to a dislike to winter risks. But whether it be from this cause, or, as the underwriters alledge, for the purpose of relaxation, the consequences are still the same. At this season of the year, when the peril is greatest, and when there are the largest sums to be insured, the means of effecting that insurance at the Coffee-house are lessened. The Jamaica July fleet, the latest West India fleet; the Baltic, the Mediterranean, and Newfoundland convoys, the homeward bound East-Indiamen, not to mention the numerous fleets and vessels taking their departure from Great Britain or Ireland, are mostly then at sea, and, with the exception of part of the West India July and August fleets, are to insure in these months. Some opinion of the consequences arising from underwriters withdrawing from the Coffee-house in the autumn and winter months, may be formed from the following account of the sums insured by an underwriter who attended there every month last year:

		Sums insured. £.	Premiums. £.
1809.	January	25,600	1,853
	February	25,100	1,934
	March	23,000	1,751
	April	26,250	2,860
	May	27,900	2,831
	June	21,200	2,207
	July	24,000	2,554
Amount for the first seven months		£.173,050	15,990
	August	52.000	5,685
	September	74,600	8,823
	October	45,500	7,401
	November	30,000	4,113
	December	28,200	4,389
Amount in the last five months		£.230,300	30,411

The amount of the sums insured by the underwriter in the last 5 months in the year, therefore, exceeded the amount of the sums insured by him in the first 7 months by the sum of 57,250*l.*

Not only is the difficulty of insuring increased by this practice, but, owing to the diminished competition, such insurances as are done are at a more extravagant premium. If the cause assigned by underwriters for their absence at this period be the true one, it would be remedied by associations in partnerships, as the partners may attend alternately without the firm being at any time absent from the Coffee-house.

The out-ports of the kingdom are exposed to very great hardships by the insurance law as it now stands. The merchants of Liverpool, Bristol, Hull, &c. cannot legally associate together. They can have no joint security for their insurances. They are denied the right, because it is exclusively granted to two companies in the metropolis, from which they can derive little or no benefit. This is manifestly unjust, and has been found to be so inconvenient, that the rights of the companies have been disregarded; and it appears, that notwithstanding the prohibition and the penalties by which it is protected, that there are upwards of twenty known associations in different parts of England for the purposes of marine insurances.

Two of these exist in London, the one called the Friendly Assurance, the other the London Union Society. The former is an association of proprietors of 83 regular transports, and it has produced to them a great saving in the amount of their insurance. Last year it appears, that, of their averages and losses the amount which each member of the association will have to pay is only 1¼*l.* per cent.; whereas if they had gone into Lloyd's Coffee-house to get the same risks covered, they would have been obliged to pay a premium of from 9 to 11 per cent.

The other of these societies established in London is an association of owners of vessels trading to the port of London. The number of persons associated is about 80, and the number of vessels which they insured last year was about 90, at the expence of 5*l.* 10*s.* per cent; whereas if the same insurances had been made in Lloyd's Coffee-house, they would have cost, if transports 9*l.*, if colliers, from 18*l.* to 20*l.* per cent.

The capital of similar associations established in other parts of England, is estimated at a million, by a person well acquainted with them.

A further effect of this exclusive privilege therefore has been to drive shipowners into a course which is illegal, but which ought not to be suffered to remain so.

Your Committee refrain from entering upon various other details, by which the defects of the present mode of transacting marine insurances would be explained, conceiving that they are sufficiently manifest. And they therefore proceed to the last point reserved for consideration.

III. The importance of a better system to the Commerce and Revenue of the Empire, and to the parties concerned.

That mode of effecting marine insurances must be the best, which gives the best security at the cheapest rate.

And that which gives the best security at the cheapest rate, is the enabling merchants to insure each other.

If such a system shall be established, it is probable that the price paid for insurance will not much exceed the aggregate value of the losses sustained on each class of risks insured. The advantage to the merchant from a cheap rate of good insurance is so great, that no profit he could make from a participation of premium in any association he might enter into for this purpose could overbalance it, and his interest would therefore lead him to keep the premium of insurance always as low as possible.

The premium he pays is in truth either a diminution of his profit, or a clog upon his trade.

Dr. Adam Smith, though unfriendly to joint stock companies in general, makes four exceptions; viz. "The only trades "which it seems possible for a joint stock "company to carry on without an exclusive privilege, are those of which all "the operations are capable of being reduced to what is called a routine, or to "such a uniformity of method as admits "of little or no variation; of this kind is, "first, the banking trade; secondly, the "trade of insurance from fire and from "sea risk and capture in time of war; "thirdly, the trade of making and maintaining a navigable cut or canal; and, "fourthly, the similar trade of bringing "water for the supply of a great city." He appears, however, to have been under a mistake in one respect, for he adds, "that neither the London Assurance nor "the Royal Exchange Assurance Companies have any such (exclusive) privilege."

The superiority of companies for the purposes of marine insurance, for facility, security and cheapness, appears from the concurring testimonies of all the merchants who have been examined, and may be inferred from the fact, that wherever there is no restriction (that is) every where but in Great Britain, insurances are invariably done by companies.

In Hamburgh there were thirty-six marine insurance companies; two at Stockholm, one at Gottenburgh, and five at Copenhagen. In every part of America, the insurances are done by incorporate companies. In the state of Massachusets alone there are nineteen companies; at Boston, there are seven; at New York, six; at Philadelphia, eight; at Baltimore, five; at Norfolk, one; at Charlestown, two; at New Orleans, one; and in our own settlements there are, at Newfoundland one marine insurance company; at Halifax, one; in Jamaica, one; in Barbadoes, two; and in the East Indies, thirteen.

In Ireland there are three marine insurance companies; and one of these, viz. the Belfast Insurance Company, has an agent who underwrites for them in Lloyd's Coffee-house.

The advantages of joint over separate insurances are further shewn by the establishment of so many societies in different parts of England, in violation of the rights of the existing companies.

But it is not the intention of your Committee to recommend the enforcement of any particular system by law; but, on the contrary, to release this branch of business from the restraints now existing, and to leave it to shape itself as it then infallibly would do, in conformity with the true interest of the public.

Should the House still be of opinion that chartered companies with exclusive privileges afford the best means of insurance, it would undoubtedly become the duty of your Committee to recommend that one or more such establishments be formed under the regulation of Parliament, for the purpose of securing to the merchants, those advantages which the existing institutions are incapable of affording. But they hope that the House will concur with them in thinking, that though companies and associations for marine insurances may be useful or desirable, yet that it would be inexpedient and unwise to protect any of them by privileges or exemptions from which others should be excluded.

It is certainly of the utmost importance that there should be the means of effecting marine insurances with economy and security. The merchant, by being permitted by his correspondent abroad to insure at home, not only derives a profit therefrom, but adds much to the security of his trade. And if the complaints which it is said foreign merchants make to London insurances be well founded, there can be little doubt that where the restraints of law shall be removed, this country will, in this as in most other operations of trade, manifest its accustomed superiority.

By an uneconomical insurance (and what stronger proof can exist that it is uneconomical, than where the brokerage even amounts to one-fourth of the underwriter's profits) the prices of all imported articles consumed, are enhanced. The same is the case with the raw materials for our manufactures, and in the exportation of manufactured articles. We shall, on a return of peace, want every advantage that wisdom can devise, to meet the competition arising from low wages on the continent.

The great consumption by government of stores from the Baltic and other parts of the world; the number of hired transports in its service; the shipments it must make to various quarters; the contracts it is necessarily engaged in; all concur to give the public a direct interest in this question.

The revenue of the country receives also an important contribution, which has been increasing, and may be further increased, by an improved system of marine insurance. In the last year the Stamp Duty on policies amounted to 348,592*l.* 1*s.* 10½*d.* exclusive of the duties paid at the out-ports in England, which are not distinguished in the returns from other Stamp Duties remitted from the country. From an estimate in a preceding part of this Report, it appears that a sum of not less than 158 millions is either left annually uninsured, or insured by means which evade or escape the duty. Much of this, and certainly much additional foreign property, might be expected to be insured under a better system, by which this source of revenue might be further increased. While these important considerations induce your Committee to call the attention of the House to the defects in the present system of marine insurance, they have great satisfaction in stating as their belief, that an adoption of the substance of the Resolutions which they submit to the House, will be productive of general benefit to all parties concerned.

The existing companies can have no difficulty at any time in extending their marine insurances to any amount they may think consistent with the extent of their capitals, and their other engagements and avocations. It is not even pretended that they will lose any share of their business by any competition which the repeal of their exclusive privileges can create.

The individual underwriters will have the relief and facility in their business which partnerships afford; one man may suffice for what four or five are now employed at, and they will no longer be obliged to let their business stand still when they may be occasionally absent. Both the companies and the underwriters will derive their proportion of that general increase of insurances expected from an improvement of the system.

The brokers will also partake of this increase; for there can be no reason to suppose that this, any more than any other business, can be transacted without such intermediate agency. Their trouble will be very much diminished, by dealing with partnerships which are always at hand, instead of a great number of individuals frequently scattered about the country.

The concern of the merchants generally in this change, and consequently of the great commercial interests of the state in all its various ramifications, is still more manifest, and would be of a description to outweigh any partial injury to other classes, if such had been, as it is not, apprehended by your Committee.

The voice of the great and respectable body of general merchants appears so unanimous on this occasion, and the nature of their present complaints have been so extensively enlarged upon in the course of this Report, that your Committee will conclude with submitting to the House the Resolutions they have come to after the most attentive enquiry into this important subject; viz.

"Resolved, 1. That it is the opinion of this Committee, That property requiring to be insured against sea and enemies risk, should have all the security which can be found for it, whether that security exists in chartered companies, in other companies, or through individuals. 2. That it is the opinion of this Committee, That the exclusive privilege for marine insurance of the two chartered companies should be repealed, saving their charters and their powers and privileges in all other respects; and that leave should be given to bring in a bill for this purpose. 3. That it is the opinion of this Committee, That with respect to the two Petitions which have been referred to them, it should be left to the discretion of the Petitioners to bring their respective cases under the consideration of the House, by bills for carrying into effect the prayers of their Petitions, if they shall think proper so to do."

REPORT FROM THE SELECT COMMITTEE ON THE AFFAIRS OF THE EAST INDIA COMPANY.—*Ordered, by the House of Commons, to be printed, 11th May* 1810.

The SELECT COMMITTEE appointed to enquire into the present State of the Affairs of the East India Company, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and also to report their Proceedings from time to time to the House; and to whom the Petition of the United Company of Merchants of England trading to the East Indies, was referred;—Have, pursuant to the Orders of the House, examined the Matters to them referred; and have agreed upon the following REPORT:

Your Committee having been directed to examine into the matter of a Petition from the East India Company, which was presented to the House on the 13th day of April, have accordingly required such evidence to be produced to your Committee, as might enable them to decide on the allegations contained in that Petition. — The several accounts, which are hereunto annexed, have accordingly been laid before them, and from those documents, as well as from the examination of the Accountant General and the Auditor of the Company, as to their correctness, there seems to be no reasonable ground for doubting the accuracy of the statement contained in the Petition, as to the large amount of bills drawn on the Court of Directors on account of the Company's debt in India, and the heavy losses which the Company have sustained in their shipping during the last two years. The sum of 711,456*l.* which appears by the account of those losses to have been the value of the homeward-bound cargoes, is explained to be the prime cost of the goods, which of course, might have been expected to realize to the Company a sum considerably larger, after deducting the freight and other charges.

The estimate of receipts and payments of the East India Company to the 1st March 1811, and the account of their property in England and a-float outward, which shews a balance in their favour of 4,842,145*l.*, are two of the accounts annually laid before Parliament, and which have accordingly been presented to the House, and referred to your Committee.

It having been stated in a former Report, that a reasonable expectation might be entertained of a considerable diminution in the annual amount of bills on the Court of Directors from China, in consequence of arrangements which had been adopted for that purpose, your Committee have reason to believe that those hopes have been realized, and that the Company's Treasury in England is not likely to be exposed again to the contingency of such heavy demands from China.

It appears also by advices from India, that considerable progress had been made, particularly at Madras, in carrying into effect an arrangement for converting the optional Loans in India (or such portion of the debt as left to the creditor the option of having it discharged either by cash in India, or by bills on the Court of Directors) into Loans, the interest of which, but not the principal, was payable if required by such bills on England. Your Committee have not been able to obtain an accurate account of those optional Loans; but of the total amount of 30,876,788*l.* of debt on the 30th April 1809, it is supposed, that not less than 18,500,000*l.* was demandable by bill on England. It appears however, that at the two Presidencies of Madras and Bombay, a considerable sum, amounting probably to not less than 4,000,000*l.* had previously to the 1st October 1809 been converted into a debt payable only in India; and that a further sum of 1,261,267*l.* debt had been wholly discharged.

Your Committee having considered it incumbent upon them to enquire into the grounds of the allegation in the petition, that it would be highly disadvantageous to the Company at the present period to raise money by increasing their capital stock, as they are by law authorized to do;—have examined the Chairman and Deputy Chairman, and Charles Grant, esquire, one of the Directors, on that particular point. They have informed your Committee, that the Court of Directors agree with them in thinking such a measure at this time, and under the present circumstances, would be highly injurious to the interest of the Company.

REPORT FROM THE SELECT COMMITTEE ON THE MANNER OF FUNDING EXCHEQUER BILLS.—*Ordered, by the House of Commons, to be printed, 14th May* 1810.

The SELECT COMMITTEE who were appointed to enquire into the manner in which the Exchequer Bills were received, to be funded, at the Exchequer Bill Office, under the Act passed in this Session, for Funding of Exchequer Bills; and to report the same, as it shall appear to them, to the House;—And who were empowered to report the Minutes of the Evidence taken before them;——Have, pursuant to the Order of the House, enquired into the matter to them referred, and have agreed to the following REPORT:

Your Committee proceeded to examine Evidence on the points referred to their consideration; and having ascertained from the testimony of respectable persons, that charges of undue preference and partiality in the late Funding of Exchequer Bills, had been made against the Exchequer Bill Office; Your Committee enquired what had been the steps taken by that Office to announce the sum of Exchequer Bills to be funded by the Act of the present Session of Parliament, and the time and mode in which the public would be admitted to deliver in their bills for the purpose of such Funding.'

Your Committee find, that according to the custom of the office in such cases, advertisements were put in the Gazette, and in several daily papers, giving notice that in conformity to the provisions of the statute of the present Session, c. 23, 8,000,000*l.* of Exchequer Bills, of the dates specified, would be received at the option of the holders, to be funded at the

Exchequer Bill Office in Palace-yard, from the 20th to the 27th of March, both inclusive, at ten of the clock in the morning. The bills to be funded bearing two different rates of interest, viz. 3½*d.* and 3¼*d.* per diem: it was declared that no bills bearing the interest of 3¼*d.* per diem would be received at the office till the 22d of March. By this advertisement it appears that the doors of the Exchequer Bill Office were not to be open to the public, or any part of the public, until the hour therein specified, namely, ten of the clock on the morning of the 20th of March, and every succeeding day to the 27th; and it appears to your Committee, consequently, that the admittance of any person for the transaction of that particular business before that period, or the dispensing with the attendance of any person for the purpose of presenting the bills of which he might be possessed, or with which he might be entrusted, to the different clerks and officers employed to conduct that operation, would upon proof, subject the clerks or officers to whom such proceeding could be traced to the just imputation of criminal preference and partiality, to the disadvantage and injury of the public at large.

Nevertheless, Your Committee have found upon examination, that such preference and partiality was actually shewn to particular persons, not only through the means of persons employed in the subordinate departments of the office, but through the agency and co-operation of one of the principals.

Your Committee here think it necessary, for the elucidation of the narrative which it is their duty to submit to the House, to state that the establishment of the Exchequer Bill Office is composed of three paymasters, who are the chief and responsible persons in the office. The present paymasters are, sir John Peter, Mr. Planta, and Dr. Cudlipp. Sir John Peter and Mr. Planta were the paymasters attending the board at the time the Funding took place; and were also the paymasters in attendance at the time the Committee were proceeding in their examinations. According to the rules of the office, the attendance of two paymasters is necessary upon every operation of the office, and it appears that the three paymasters arrange their periods of duty for their mutual convenience and accommodation. Sir John Peter and Mr. Planta are resident in London; Dr. Cudlipp is a practitioner in medicine resident in the West of England, except at the period when he is in attendance at this office.

The mode of application and attendance at the office for those who are desirous of funding their Exchequer Bills, is in the greatest degree inconvenient and objectionable. The Exchequer Bill Office is situated amongst the old buildings at the south-east corner of New Palace-yard, near to the great north door of Westminster-Hall. The bankers clerks, and others interested, appear to take their stations at the door of the office early in the morning of the day on which the bills are to be received for funding, some so early as seven of the clock, and the crowd accumulating from that period till the hour of ten, when the doors are thrown open, produces great distress to those concerned; from former experience it was apprehended the crowd would be found so great, that a Bow-street officer was stationed at the door on the morning of the 22d for the preservation of order, and to let the applicants in by sets, to prevent the personal risk attending a general rush. Your Committee need not dwell upon the indecorum of such a mode of application, upon its clumsiness and want of due consideration; nor need they state, that as there is no provision made to restrain any person from being the bearer of bills to any amount, without any one of those bills being his own private property, the strongest man in the crowd might, by the mere exertion of his personal strength, deprive all but his employers of any benefit to be derived from the Funding.

Such is the mode by which admittance into the Exchequer Bill Office is obtained by the public at large. When the holder of bills has gained the office, the regular process he has to go through is, first to present his bills at the counter; where several clerks are placed to look over the bills, and to compare their amount with the lists attached to them. Here ensues another scene of confusion, from the sudden breaking in of a number of persons all eager to get their bills on the books, and clamorous for the dispatch of business.

It is the duty of the clerks of the office stationed at this counter to tell over the bills, and see that they correspond with the lists; but it is remarkable, that these clerks are not instructed, and do not in point of fact furnish the bill-holders with any token whereby the clerk next in succession in the order of business can see whether the bills presented to him have actually been compared and told. It is true that memoranda printed for the purpose, and distributed by the office, with blanks for sums and names, are presented, filled up, to be sanctioned by the initials of that clerk who is called the accountant; but these printed forms may be had previous to the day on which the bills are taken in: they are generally so obtained, and generally filled up also, before the holder comes to the office, to save time when there.

The bill-holder having received back his bills from the clerk who may have told, or according, to the official phrase "valued them" at the counter, ought next to take them to the accountant, who sits in a small room apart. It is the duty of the accountant to write in a book the names of the persons who bring the bills from the outward office in succession, as they happen to appear. Taking for granted that the bills have been properly valued, he writes the names of the different parties whose bills are tendered from their lists, places the sum of bills belonging to each against the name; and having affixed his initials to the printed Memorandum, the party should pass on to an adjoining room where the paymasters sit, which is called The Board Room; where the names and sums having been written into another book, kept under the inspection of the paymasters, exactly similar to the one kept by the accountant, the bills themselves are deposited. The initials of one of the paymasters are added to those of the accountant, and the holder of the bills having completed his business departs with the Memorandum, which, it is to be observed, forms the only voucher to the holder of Exchequer Bills for the property left in the office. At the late Funding a temporary staircase was thrown out from one of the windows at the end of a passage in the office up stairs, for the convenience of departure.

Such is the mode in which business ought, by the custom of the office, to be conducted in the operation of Funding; a mode sufficiently loose and inconvenient, but which certainly should be the same for all. In the late funding it appears, that one of the paymasters, sir John Peter, according to an arrangement previously made, did on the first day of funding, before the doors were open to the public, take into the office with him Mr. Goldsmid, Mr. Sutton, and Mr. Gillman, as appears from the evidence of Mr. Goldsmid and Mr. Sutton. The other paymaster in attendance, Mr. Planta, says that he found those gentlemen in the board room upon his arrival at the office; that he knew it to be a great impropriety; that he expressed indignation at the proceeding, and ordered the doors to be immediately thrown open to the public. The names, however, of the gentlemen so introduced stand among the very first on the books of that day. This irregularity appears to have been sufficiently known and noticed to have prevented a repetition of the same practice; but it probably would not have been brought under the observation of the House of Commons of itself; because the whole of the 8,000,000*l.* of Exchequer Bills was not subscribed in bills bearing 3½*d.* interest per diem; all who wished to subscribe such bills had room. On the 22d of March, the day on which the 3¼*d.* bills were first admitted, there remained of the 8,000,000*l.* a sum of 2,188,700*l.* unsubscribed. The holders of those bills were very eager to fund them; a great competition was excited, and a great number of persons assembled; there was great press and hazard to those in the throng, and many irregularities were on that day committed in the office, and much partiality was shewn. In the first place, from neglect of constantly casting up, an excess of bills to the amount of 311,000*l.* were admitted on the books, and when bills to that amount were returned to the bill-holders, it appears that some persons who had been in attendance at the doors of the office from the earliest hour, and who had been admitted amongst the very first after the doors were opened, received their bills back under pretence that they were not in time to have their names put down before the 8,000,000*l.* were completed, whilst others who had manifestly arrived in the office at a later period, some who had obtained admittance into the office by ways not intended for that purpose, and some who had not been in the office at all, nor any one for them, at the proper period, had their bills included in the funding. The circumstances attending these separate modes by which an undue advantage was allowed to some persons to the injury of the public at large, will be found in the Evidence contained in the Appendix, which your Committee is sorry to observe has been rendered much more voluminous than was necessary by the mode in which some of the witnesses have answered to their examinations; but your Committee forbear to press their opinion on such conduct, or the motives of it. The House will judge for itself. The House will also perceive in the evidence of sir John Peter, the reasons why his examination was not continued by the Committee.

It appears, first, that a communication was held between sir John Peter, Mr. Sutton, and Mr. Roberts, partner to Mr. Sutton, on the 21st of March, relative to the funding which was to take place on the 22d, and that the scheme of Mr. Sutton's going with sir John Peter, as on the 20th, having been objected to by the latter on account of the umbrage taken by the public at what had happened on the preceding day, a plan was concerted, that sir John Peter should be furnished with a list of bills in the charge of Roberts and Sutton; that Mr. Sutton should call upon sir John Peter on the 22d, after the business of the day was over, and that the getting those bills upon the books was to be left to the management of that paymaster; but Mr. Sutton having reflected, that if by any accident it should happen that the plan so laid should fail, he could not answer to his employers the not having used due diligence to obtain a preference for them, determined to go personally into the crowd, and did obtain admittance into the office by the public door, in the second set of those who were allowed by the police officer to go in, to the number of about ten, as far as your Committee can ascertain, in each set. When in the office Mr. Sutton did not, in the regular routine, go to the counter, from the counter to the accountant, and from the accountant to the board; but he went at once into the board room and delivered his bills into the hands of sir John Peter, and then departed from the office without any memorandum at all as a voucher for the security of himself or his customers. The memorandum was delivered, in the course of the same afternoon, by sir John Peter to Mr. Roberts, in consequence of a note from Mr. Sutton. The bills of Messrs. Roberts and Sutton were included in the 8,000,000*l.*

The clerk who had charge of the bills belonging to the house of Messrs. Thomas Coutts and Co. arrived in Palace-yard long after the time at which many persons had been collected, but having accidentally found the door at the bottom of the temporary staircase a-jar, of the existence of which staircase he had been informed by Mr. Dickie, another of the principal clerks in the house of Messrs. Coutts, and under whose management the whole of the Exchequer bills of that house were placed, he got into the office without the least difficulty, and from the position of the staircase, when he arrived at the top of it he faced the crowd which had just then entered, and was close to the door of the accountants room; he therefore omitted the valuation of his bills at the counter, proceeded immediately into the room of the accountant Mr. Palethorp, from whom he received the initials of his name upon the memorandum already prepared, passed on to the board room, and completed his business. The name of Messrs. Thomas Coutts and Co. appears first on the list of that day (the 22d of March). A person by the name of Dunn wandered into the office by some unusual mode, and obtained, as he states, an accidental preference.

Mr. Abraham Goldsmid was in the crowd on the outside of the door, and exposed to great danger, but he saw two sets of persons admitted into the office before he withdrew for security towards a passage leading to another part of the office, where he met sir John Peter, to whom he delivered his pocket-book, containing Exchequer bills to the amount of 350,000*l.* and then went away. Sir John Peter delivered the pocket-book unopened to Mr. Palethorp the accountant, who wrote in the bills, and then carried them to the paymasters in the board room; Mr. Goldsmid received his memorandum of receipt afterwards. The Bills carried by Mr. Goldsmid were included in the 8,000,000*l.* A small sum in the name of Buckley, was delivered to Mr. Palethorp by sir John Peter personally, and was likewise funded. A number of Exchequer bills under the names of Mapletoft, Poole, and Harrison, were sent by Mr. Fisher, of the Auditor's office, to Mr. Palethorp, by the messenger of the office, and another parcel was delivered into the hands of the same gentleman by Mr. Gimmingham, a clerk in another department of the Exchequer office, before the hour of public admission, without any person having mixed in the crowd or come in by the public door, and all these bills so described were included in the 8,000,000*l.*

It appears to your Committee that the entries in that part of the first page, in which any entries are made in Mr. Palethorp's book relating to the 3½*d.* bills, and the whole of the next page, are entries made by preference, as far as your Committee has been able to trace them, except in the case of Mr. Oliviera, and two others at the foot of the second page; the erasures there found by the knife and the pen are explained in the evidence of Mr. Blane.

On the other hand, it appears that persons who had attended from the earliest hour, and had succeeded in obtaining admittance amongst the very first, and whose bills were received, and memorandums by them taken, had their bills returned; others had their bills refused. Of these cases the most remarkable is that of Mr. Cundy, clerk to the house of Messrs. Bruckshaw, Capel and Co.; he by his own testimony, corroborated by that of others, was one of the first who entered; he had his bills regularly valued at the counter, entered by the accountant, and received by the paymasters; he took away the proper memorandum properly signed, and yet the name of the house for which he was employed stands very low in the list, and his bills were returned. They were entered in the name of Bish, &c.

Upon the whole, your Committee are of opinion, That gross partiality has been shewn in the late funding of Exchequer bills, and that the details of the particular facts, before enumerated, call for the immediate revision and reform of the office.

Your Committee are not authorized to point out any mode by which it might appear to them the business respecting funding Exchequer bills could be placed on a better footing, but the defects of the office in the department submitted to the consideration of the Committee are manifest; the system is radically bad; and the public are proved to have received material injury, to the advantage of favoured individuals.

It is positively asserted in the oral evidence of some of the persons examined, and by letters received from others, in answer to questions put by the Chairman in writing, in obedience to the orders of the Committee, that no corrupt motive has actuated the persons who gave such preference.

It is evident, that to the disappointed bill-holder, the motive which may have induced a person in office to give to another preference to his disadvantage, can be of no importance, although the moral guilt of the person so acting may be different in one case from the other.

Report from the Select Committee on the High Price of Gold Bullion.—*Ordered, by the House of Commons, to be printed*, 8 *June* 1810.

The Select Committee appointed to enquire into the cause of the High Price of Gold Bullion, and to take into consideration the state of the Circulating Medium, and of the Exchanges between Great Britain and Foreign Parts;—and to report the same, with their Observations thereupon, from time to time, to the House;—Have, pursuant to the Orders of the House, examined the matters to them referred; and have agreed to the following Report:

Your Committee proceeded, in the first instance, to ascertain what the price of Gold Bullion had been, as well as the rates of the Foreign Exchanges, for some time past; particularly during the last year.

Your Committee have found that the price of Gold Bullion, which, by the regulations of his Majesty's Mint, is 3*l.* 17*s.* 10*d*½. per ounce of standard fineness, was, during the years 1806, 1807, and 1808, as high as 4*l.* in the market. Towards the end of 1808 it began to advance very rapidly, and continued very high during the whole year 1809; the market price of standard gold in bars fluctuating from 4*l.* 9*s.* to 4*l.* 12*s.* per oz. The market price at 4*l.* 10*s.* is about 15½ per cent. above the Mint price.

Your Committee have found, that during the three first months of the present year, the price of standard gold in bars remained nearly at the same price as during last year; viz. from 4*l.* 10*s.* to 4*l.* 12*s.* per oz. In the course of the months of March and April, the price of standard gold is quoted but once in Wettenhall's tables; viz. on the 6th of April last, at 4*l.* 6*s.* which is rather more than 10 per cent. above the Mint price. The last quotations of the price of gold, which have been given in those tables, are upon the 18th and 22d of May, when Portugal gold in coin is quoted at 4. 11*s.* per oz: Portugal gold coin is about the same fineness as our standard. It is stated in the same tables, that in the month of March last, the price of new doubloons rose from 4*l.* 7*s.* to 4*l.* 9*s.* per oz. Spanish Gold is from 4¼ to 4¾ grains better than standard, making about 4*s*. per oz. difference in value.

It appears by the evidence, that the price of foreign gold coin is generally higher than that of bar gold, on account of the former finding a more ready vent in foreign markets. The difference between Spanish and Portugal gold in coin and gold in bars, has of late been about 2*s*. per ounce. Your Committee have also to state, that there is said to be at present a difference of between 3*s*. and 4*s*. per ounce between the price of bar gold which may be sworn off for exportation as being foreign gold, and the price of such bar gold as the dealer will not venture to swear off; while the former was about 4*l*. 10*s*. in the market, the latter is said to have been about 4*l*. 6*s*. On account of these extrinsic differences, occasioned either by the expence of coinage, or by the obstructions of law, the price of standard gold in bars, such as may be exported, is that which it is most material to keep generally in view through the present inquiry.

It appeared to your Committee, that it might be of use, in judging of the cause of this high price of Gold Bullion, to be informed also of the prices of Silver during the same period. The price of standard silver in his Majesty's Mint is 5*s*. 2*d*. per ounce; at this standard price, the value of a Spanish dollar is 4*s*. 4*d*. or, which comes to the same thing, Spanish dollars are, at that standard price, worth 4*s*. 11½*d*. per ounce. It is stated in Wettenhall's tables, that throughout the year 1809, the price of new dollars fluctuated from 5*s*. 5*d*. to 5*s*. 7*d*. per ounce, or from 10 to 13 per cent. above the Mint price, of standard silver. In the course of the last month, new dollars have been quoted as high as 5*s*. 8*d*. per ounce, or more than 15 per cent. above the Mint price.

Your Committee have likewise found, that towards the end of the year 1808, the Exchanges with the Continent became very unfavourable to this country, and continued still more unfavourable through the whole of 1809, and the three first months of the present year.

Hamburgh, Amsterdam, and Paris, are the principal places with which the Exchanges are established at present. During the last six months of 1809, and the three first months of the present year, the Exchanges on Hamburgh and Amsterdam were depressed as low as from 16 to 20 per cent. below par; and that on Paris still lower. The exchanges with Portugal have corresponded with the others; but they are complicated by some circumstances which shall be explained separately.

Your Committee find, that in the course of the month of March last, that is, from the 2d of March to the 3d of April, the exchanges with the three places above mentioned received a gradual improvement. The exchange with Hamburgh rose gradually from 29. 4. to 31.; that with Amsterdam from 31. 8. to 33. 5.; that with Paris from 19. 16. to 21. 11. Since the 3d April last to the present time, they have remained nearly stationary at those rates, the exchange with Hamburgh, as stated in the tables printed for the use of the merchants, appearing as much against this country as 9*l*. per cent. below par; that with Amsterdam appearing to be more than 7*l*. per cent. below par; and that with Paris more than 14*l*. per cent. below par.

So extraordinary a rise in the market price of gold in this country, coupled with so remarkable a depression of our exchanges with the continent, very early, in the judgment of your Committee, pointed to something in the state of our own domestic currency as the cause of both appearances. But before they adopted that conclusion, which seemed agreeable to all former reasonings and experience, they thought it proper to enquire more particularly into the circumstances connected with each of those two facts; and to hear, from persons of commercial practice and detail, what explanations they had to offer of so unusual a state of things.

With this view, your Committee called before them several merchants of extensive dealings and intelligence, and desired to have their opinions, with respect to the cause of the high price of gold and the low rates of exchange.

I.

It will be found by the Evidence, that the high price of gold is ascribed, by most of the witnesses, entirely to an alledged scarcity of that article, arising out of an unusual demand for it upon the continent of Europe. This unusual demand for gold upon the continent is described by some of them as being chiefly for the use of the French armies, though increased also by that state of alarm, and failure of confidence, which leads to the practice of hoarding.

Your Committee are of opinion, that,

in the sound and natural state of the British currency, the foundation of which is gold, no increased demand for gold from other parts of the world, however great, or from whatever causes arising, can have the effect of producing here, for a considerable period of time, a material rise in the market price of gold. But before they proceed to explain the grounds of that general opinion, they wish to state some other reasons which alone would have led them to doubt whether in point of fact, such a demand for gold, as is alledged, has operated in the manner supposed.

If there were an unusual demand for gold upon the Continent, such as could influence its market price in this country, it would of course influence also, and indeed in the first instance, its price in the continental markets; and it was to be expected that those who ascribed the high price here to a great demand abroad, would have been prepared to state that there was a corresponding high price abroad. Your Committee did not find that they grounded their inference upon any such information; and so far as your Committee have been enabled to ascertain, it does not appear that during the period when the price of gold bullion was rising here, as valued in our paper, there was any corresponding rise in the price of gold bullion in the market of the Continent, as valued in their respective currencies. Mr. Whitmore, indeed, the late governor of the bank, stated, that in his opinion it was the high price abroad which had carried our gold coin out of this country; but he did not offer to your Committee any proof of this high price. Mr. Greffulhe, a continental merchant, who appeared to be remarkably well informed in the details of trade, being asked by the Committee, if he could state whether any change had taken place in the price of gold in any of the foreign markets within the last year? answered, "No very material change that I am aware of." Upon a subsequent day, having had time to refer to the actual prices, he again stated to the Committee, "I beg leave to observe, that there has been no alteration of late in the mint price of gold in foreign places, nor have the market prices experienced an advance at all relative to the rise that has taken place in England; one of the papers I have delivered shews the foreign prices reduced into sterling money at the present low rates of exchange, and the excess above our market price may be considered as about equal to the charges of conveyance." The paper he refers to will be found in the Appendix; and this statement made by Mr. Greffulhe throws great light upon this part of the subject; as it shews, that the actual prices of gold in the foreign markets are just so much lower than its market price here, as the difference of exchange amounts to. Mr. Greffulhe's paper is confirmed by another, which has been laid before your Committee. Mr. Abraham Goldsmid has also stated to your Committee, that during that part of last year when the market price of gold here rose so high, its price at Hamburgh did not fluctuate more than from 3 to 4 per cent.

Here your Committee must observe, that both at Hamburgh and Amsterdam, where the measure of value is not gold as in this country, but silver, an unusual demand for gold would affect its money price, that is, its price in silver; and that as it does not appear that there has been any considerable rise in the price of gold, as valued in silver, at those places in the last year, the inference is, that there was not any considerable increase in the demand for gold. That permanent rise in the market price of gold above its Mint price, which appears by Mr. Greffulhe's paper to have taken place for several years both at Hamburgh and Amsterdam, may in some degree be ascribed, as your Committee conceive, to an alteration which has taken place in the relative value of the two precious metals all over the world; concerning which, much curious and satisfactory evidence will be found in the Appendix, particularly in the documents laid before your Committee by Mr. Allen. From the same cause, a fall in the relative price of silver appears to have taken place in this country for some time before the increase of our paper currency began to operate. Silver having fallen in relative value to gold throughout the world, gold has appeared to rise in price in those markets where silver is the fixed measure, and silver has appeared to fall in those where gold is the fixed measure.

With respect to the alledged demand for gold upon the Continent for the supply of the French armies, your Committee must further observe, that, if the wants of the military chest have been latterly much increased, the general supply of Europe with gold has been augmented by all that quantity which this great commercial country has spared in consequence of the substitution of another medium of circulation. And your Committee cannot omit remarking, that though the circumstances which might occasion such an increased demand may recently have existed in greater force than at former periods, yet in the former wars and convulsions of the Continent, they must have existed in such a degree as to produce some effect. Sir Francis Baring has very justly referred to the seven years war and to the American war, and remarks, that no want of bullion was then felt in this country. And upon referring for a course of years to the tables which are published for the use of the merchants, such as Lloyd's lists and Wettenhall's Course of Exchange, your Committee have found that from the middle of the year 1773, when the reformation of the gold coin took place, till about the middle of the year 1799, two years after the suspension of the cash payments of the Bank, the market-price of standard gold in bars remained steadily uniform at the price of 3*l.* 17*s.* 6*d.* [being, with the small allowance for loss by detention at the Mint, equal to the Mint price of 3*l.* 17*s.* 10*d.*½.] with the exception of one year, from May 1783 to May 1784, when it was occasionally 3*l.* 18*s.* During the same period it is to be noticed, the price of Portugal gold coin was occasionally as high as 4*l.* 2*s.*; and your Committee also observe, that it was stated to the Lords' Committee in 1797 by Mr. Abraham Newland, that the Bank had been frequently obliged to buy gold higher than the Mint price, and upon one particular occasion gave as much for a small quantity, which their agent procured from Portugal, as 4*l.* 8*s.* But your Committee find, that the price of standard gold in bars was never for any length of time materially above the Mint price, during the whole period of 24 years which elapsed from the reformation of the gold coin to the suspension of the cash payments of the Bank. The two most remarkable periods prior to the present, when the market price of gold in this country has exceeded our Mint price, were in the reign of king William, when the silver coin was very much worn below its standard, and in the early part of his present Majesty's reign, when the gold coin was very much worn below its standard. In both those periods, the excess of the market price of gold above its Mint price was found to be owing to the bad state of the currency; and in both instances, the reformation of the currency effectually lowered the market price of gold to the level of the Mint price. During the whole of the years 1796 and 1797, in which there was such a scarcity of gold, occasioned by the great demands of the country bankers in order to encrease their deposits, the market price of gold never rose above the Mint price.

Your Committee have still further to remark upon this point, that the evidence laid before them has led them to entertain much doubt of the alledged fact, that a scarcity of Gold Bullion has been recently experienced in this country. That guineas have disappeared from the circulation, there can be no question; but that does not prove a scarcity of bullion, any more than the high price proves that scarcity. If gold is rendered dear by any other cause than scarcity, those, who cannot purchase it without paying the high price, will be very apt to conclude that it is scarce. A very extensive home dealer who was examined, and who spoke very much of the scarcity of gold, acknowledged, that he found no difficulty in getting any quantity he wanted, if he was willing to pay the price for it. And it appears to your Committee, that, though in the course of the last year there have been large exportations of gold to the Continent, there have been also very considerable importations of it into this country from South America, chiefly through the West Indies. The changes which have affected Spain and Portugal, combined with our maritime and commercial advantages, would seem to have rendered this country a channel through which the produce of the mines of New Spain and the Brazils pass to the rest of the world. In such a situation, the imports of bullion and coin give us the opportunity of first supplying ourselves; and must render this the last of the great markets, in which a scarcity of that article will be felt. This is remarkably illustrated by the fact, that Portugal gold coin is now sent regularly from this country to the cotton settlements in the Brazils, Pernambuco, and Maranham, while dollars are remitted in considerable quantities to this country from Rio Janeiro.

It is important also to observe, that the rise in the market price of silver in this country, which has nearly corresponded to that of the market price of gold, cannot in any degree be ascribed to a scarcity of silver. The importations of silver have of late years been unusually large, while the usual drain for India and China has been stopped.

For all these reasons, your Committee would be inclined to think, that those who ascribe the high price of gold to an unusual demand for that article, and a consequent scarcity, assume facts as certain of which there is no evidence. But even if these assumptions were proved, to ascribe the high price of gold in this country to its scarcity, seems to your Committee to involve a misconception, which they think it important to explain.

In this country, gold is itself the measure of all exchangeable value, the scale to which all money prices are referred. It is so, not only by the usage and commercial habits of the country, but likewise by operation of law, ever since the act of the 14th of his present Majesty [finally rendered perpetual by an act of the 39th year of the reign] disallowed a legal tender in silver coin beyond the sum of 25*l.* Gold being thus our measure of prices, a commodity is said to be dear or cheap according as more or less gold is given in exchange for a given quantity of that commodity; but a given quantity of gold itself will never be exchanged for a greater or a less quantity of gold of the same standard fineness. At particular times it may be convenient, in exchange for gold in a particular coin, to give more than an equal quantity of other gold; but this difference can never exceed a certain small limit: and thus it has happened that the Bank, while liable to pay its notes in specie, has under particular emergencies been put to the necessity of purchasing gold at a loss, in order to keep up or to repair its stock. But generally speaking, the price of gold, being itself measured and expressed in gold, cannot be raised or lowered by an increased or diminished demand for it. An ounce of gold will exchange for neither more nor less than an ounce of gold of the same fineness, except so far as an allowance is to be made, if the one ounce is coined or otherwise manufactured and the other is not, for the expence of that coinage or manufacture. An ounce of standard gold bullion will not fetch more in our market than 3*l.* 17*s.* 10½*d.*, unless 3*l.* 17*s.* 10½*d.* in our actual currency is equivalent to less than an ounce of gold. An increase or diminution in the demand for gold, or what comes to the same thing, a diminution or increase in the general supply of gold, will, no doubt, have a material effect upon the money prices of all other articles. An increased demand for gold, and a consequent scarcity of that article, will make it more valuable in proportion to all other articles; the same quantity of gold will purchase a greater quantity of any other article than it did before: in other words, the real price of gold, or the quantity of commodities given in exchange for it, will rise, and the money prices of all commodities will fall; the money price of gold itself will remain unaltered, but the prices of all other commodities will fall. That this is not the present state of things is abundantly manifest; the prices of all commodities have risen, and gold appears to have risen in its price only in common with them. If this common effect is to be ascribed to one and the same cause, that cause can only be found in the state of the currency of this country.

Your Committee think it proper to state still more specifically, what appear to them to be the principles which govern the relative prices of gold in bullion and gold in coin, as well as of paper circulating in its place and exchangeable for it. They cannot introduce this subject more properly, than by adverting to those simple principles and regulations, on which a coinage issuing from the King's mint is founded.

The object is, to secure to the people a standard of a determinate value, by affixing a stamp, under the royal authority to pieces of gold, which are thus certified to be of a given weight and fineness. Gold in bullion is the standard to which the legislature has intended that the coin should be conformed, and with which it should be identified as much as possible. And if that intention of the legislature were completely fulfilled, the coined gold would bear precisely the same price in exchange for all other commodities, as it would have borne had it continued in the shape of bullion; but it is subject to some small fluctuations.

First, there is some expence incurred in converting bullion into coin. They who send bullion to be coined, and it is allowed to any one to send it, though they are charged with no seignorage, incur a loss of interest by the detention of their gold in the mint. This loss may hitherto have amounted to about 1*l.* per cent., but it is to be presumed that the improvements of the system of the new mint will cause the detention and consequent loss to be much smaller. This 1*l.* per cent. has formed the limit, or nearly the limit, to the possible rise of the value of coin above that of bullion; for to suppose that coin could, through any cause, advance much above this limit, would be to assume that there was a high profit on a transaction, in which there is no risk and every one has an opportunity of engaging.

The two following circumstances conjoined, account for the depression of the coin below the price of bullion, and will shew what must have been the limit to its extent before 1797, the period of the suspension of the cash payments of the Bank of England. First, The coin, after it had become current was gradually diminished in weight by use, and therefore if melted would produce a less quantity of bullion. The average diminution of weight of the present current gold coin below that of the same coin when fresh from the mint, appears by the evidence to be nearly 1*l.* per cent. This evil, in more ancient times, was occasionally very great. It was particularly felt in an early period of his present Majesty's reign, and led to the reformation of the gold coin in 1773. But it is now carefully guarded against, not only by the legal punishment of every wilful deterioration of the gold coin, but also by the regulation of the statute, that guineas, of which the full weight when fresh from the Mint is 5 dwts. 9$\frac{39}{89}$ grains shall not be a legal tender if worn below 5 dwts. 8 grs.; the depreciation thus allowed being at the utmost 1.11 per cent. A still more material cause of depression, is the difficulty under which the holders of coin have been placed when they wished to convert it into bullion: The law of this country forbids any other gold coin than that which has become light to be put into the melting pot, and, with a very questionable policy, prohibits the exportation of our gold coin, and of any gold, unless an oath is taken that it has not been produced from the coin of this realm. It appears by the evidence, that the difference between the value of gold bullion which may be sworn off for exportation, and that of the gold produced or supposed to be produced from our own coin, which by law is convertible only to domestic purposes, amounts at present to between 3*s.* and 4*s.* per ounce.

The two circumstances which have now been mentioned have unquestionably constituted, in the judgment of your Committee, the whole cause of that depression of the value of the gold coin of this country in exchange for commodities, below the value of bullion in exchange for commodities, which has occasionally, arisen or could arise at those times when the Bank paid in specie, and gold was consequently obtainable in the quantity that was desired; and the limit fixed by those two circumstances conjoined, to this excess of the market price of gold above the Mint price, was therefore a limit of about 5½ per cent. The chief part of this depression is to be ascribed to that ancient, but doubtful policy of this country, which, by attempting to confine the coin within the kingdom, has served, in the same manner as permanent restrictions on the export of other articles, to place it under a disadvantage, and to give to it a less value in the market than the same article would have if subject to no such prohibition.

The truth of these observations on the causes and limits of the ordinary difference between the market and Mint price of gold, may be illustrated by a reference to the mode, explained in the evidence, of securing a fixed standard of value for the great commercial payments of Hamburgh. The payments in the ordinary transactions of life are made in a currency composed of the coins of the several surrounding states; but silver is the standard there resorted to in the great commercial payments, as gold is in England. No difference analogous to that which occurs in this country, between the Mint and market price of gold, can ever arise at Hamburgh with regard to silver, because provision is made that none of the three causes above specified, [the expence of coinage, the depreciation by wear, or the obstruction to exportation] shall have any operation. The large payments of Hamburgh are effected in Bank money, which consists of actual silver of a given fineness, lodged in the Hamburgh bank by the merchants of the place, who thereupon have a proportionate credit in the bank books, which they transfer according to their occasions. The silver being assayed and weighed with scarcely any loss of time, the first-mentioned cause of fluctuation in the relative value of the current medium compared with bullion is avoided. Certain masses of it being then certified (without any stamp being affixed on the metal) to be of a given quantity and fineness, the value is transferred from individual to individual by the medium merely of the bank books, and thus the wearing of the coin being prevented, one cause of depreciation is removed. A free right is also given to withdraw, melt, and export it; and thus the other and principal source of the occasional fall of the value of the current medium of payment, below that of the bullion which it is intended to represent, is also effectually precluded.

In this manner at Hamburgh, silver is not only the measure of all exchangeable value, but it is rendered an invariable measure, except in so far as the relative value of silver itself varies with the varying supply of that precious metal from the mines. In the same manner the usage, and at last the law, which made gold coin the usual and at last the only legal tender in large payments here, rendered that metal our measure of value: and from the period of the reformation of the gold coin down to the suspension of the Bank payments in specie in 1797, gold coin was not a very variable measure of value; being subject only to that variation in the relative value of gold bullion which depends upon its supply from the mines, together with that limited variation which, as above described, might take place between the market and the Mint price of gold coin.

The highest amount of the depression of the coin which can take place when the Bank pays in gold, has just been stated to be about 5½ per cent. and accordingly it will be found, that in all the periods preceding 1797, the difference between what is called the Mint price and market price of gold never exceeded that limit.

Since the suspension of cash payments in 1797, however, it is certain, that, even if gold is still our measure of value and standard of prices, it has been exposed to a new cause of variation, from the possible excess of that paper which is not convertible into gold at will; and the limit of this new variation is as indefinite as the excess to which that paper may be issued. It may indeed be doubted, whether since the new system of Bank of England payments has been fully established, gold has in truth continued to be our measure of value: and whether we have any other standard prices than that circulating medium, issued primarily by the Bank of England and in a secondary manner by the country Banks, the variations of which in relative value may be as indefinite as the possible excess of that circulating medium. But whether our present measure of value, and standard of prices, be this paper currency thus variable in its relative value, or continues still to be gold, but gold rendered more variable than it was before in consequence of being interchangeable for a paper currency which is not at will convertible into gold, it is, in either case, most desirable for the public that our circulating medium should again be conformed, as speedily as circumstances will permit, to its real and legal standard, gold bullion.

If the gold coin of the country were at any time to become very much worn and lessened in weight, or if it should suffer a debasement of its standard, it is evident that there would be a proportionable rise of the market price of gold bullion above its Mint price: for the Mint price is the sum in coin, which is equivalent in intrinsic value to a given quantity, an ounce for example, of the metal in bullion; and if the intrinsic value of that sum of coin be lessened, it is equivalent to a less quantity of bullion than before. The same rise of the market price of gold above its Mint price will take place, if the local currency of this particular country, being no longer convertible into gold, should at any time be issued to excess. That excess cannot be exported to other countries, and, not being convertible into specie, it is not necessarily returned upon those who issued it; it remains in the channel of circulation, and is gradually absorbed by increasing the prices of all commodities. An increase in the quantity of the local currency of a particular country, will raise prices in that country exactly in the same manner as an increase in the general supply of precious metals raises prices all over the world. By means of the increase of quantity, the value of a given portion of that circulating medium, in exchange for other commodities, is lowered; in other words, the money prices of all other commodities are raised and that of bullion with the rest. In this manner, an excess of the local currency of a particular country will occasion a rise of the market price of gold above its Mint price. It is no less evident, that in the event of the prices of commodities being raised in one country by an augmentation of its circulating medium, while no similar augmentation in the circulating medium of a neighbouring country has led to a similar rise of prices, the currencies of those two countries will no longer continue to bear the same relative value to each other as before. The intrinsic value of a given portion of the one currency being lessened while that of the other remains unaltered, the exchange will be computed between those two countries to the disadvantage of the former.

In this manner, a general rise of all prices, a rise in the market price of gold, and a fall of the foreign exchanges, will be the effect of an excessive quantity of circulating medium in a country which has adopted a currency, not exportable to other countries, or not convertible at will into a coin which is exportable.

II.

Your Committee are thus led to the next head of their inquiry: the present state of the exchanges between this country and the continent. And here, as under the former head, your Committee will first state the opinions which they have received from practical men, respecting the causes of the present state of the exchange.

Mr. Greffulhe, a general merchant, trading chiefly to the continent, ascribed the fall of exchange between London and Hamburgh, near 18 per cent. below par, in the year 1809, "altogether to the commercial situation of this country with the continent; to the circumstance of the imports, and payments of subsidies, &c. having very much exceeded the exports." He stated, however, that he formed his judgment of the balance of trade in a great measure from the state of the exchange itself, though it was corroborated by what fell under his observation. He insisted particularly on the large imports from the Baltic, and the wines and brandies brought from France, in return for which no merchandise had been exported from this country. He observed on the other hand, that the export of colonial produce to the continent had increased in the last year compared with former years; and that during the last year there was an excess, to a considerable amount, of the exports of colonial produce and British manufactures to Holland above the imports from thence, but not nearly equal, he thought, to the excess of imports from other parts of the world, judging from the state of the exchange as well as from what fell generally under his observation. He afterwards explained, that it was not strictly the balance of trade, but the balance of payments, being unfavourable to this country, which he assigned as the principal cause of the rate of exchange; observing also, that the balance of payments for the year may be against us, while the general exports exceed the imports. He gave it as his opinion, that the cause of the present state of exchange was entirely commercial, with the addition of the foreign expenditure of government; and that an excess of imports above exports would account for the rates of exchange continuing so high as 16 per cent. against this country, for a permanent period of time.

It will be found in the evidence, that several other witnesses agree in substance with Mr. Greffulhe, in this explanation of the unfavourable state of the exchange; particularly Mr. Chambers and Mr. Coningham.

Sir Francis Baring stated to the Committee, that he considered the two great circumstances which affect the exchange in its present unfavourable state, to be the restrictions upon trade with the continent, and the increased circulation of this country in paper, as productive of the scarcity of bullion. And he instanced, as examples of a contrary state of things, the seven years war, and the American war, in which there were the same remittances to make to the continent for naval and military expenditure, yet no want of bullion was ever felt.

The Committee likewise examined a very eminent continental merchant, whose evidence will be found to contain a variety of valuable information. That gentleman states, that the exchange cannot fall in any country in Europe at the present time, if computed in coin of a definitive value, or in something convertible into such coin, lower than the extent of the charge of transporting it, together with an adequate profit in proportion to the risk attending such transmission. He conceives, that such fall of our exchange as has exceeded that extent in the last 15 months, must certainly be referred to the circumstance of our paper currency not being convertible into specie; and that if that paper had been so convertible, and guineas had been in general circulation, an unfavourable balance of trade could hardly have caused so great a fall in the exchange as to the extent of 5 or 6 per cent. He explains his opinion upon the subject more specifically in the following answers, which are extracted from different parts of his evidence.

"To what causes do you ascribe the present unfavourable course of exchange?—The first great depreciation took place when the French got possession of the north of Germany, and passed severe penal decrees against a communication with this country; at the same time that a sequestration was laid upon all English goods and property, whilst the payments for English account were still to be made, and the reimbursements to be taken on this country; many more bills were in consequence to be sold than could be taken by persons requiring to make payments in England. The communication by letters being also very difficult and uncertain, middle men were not to be found, as in usual times, to purchase and send such bills to England for returns; whilst no suit at law could be instituted in the courts of justice there against any person who chose to resist payment of a returned bill, or to dispute the charges of re-exchange. Whilst those causes depressed the exchange, payments due to England only came round at distant periods; the exchange once lowered by those circumstances, and bullion being withheld in England to make up those occasional differences, the operations between this country and the continent have continued at a low rate, as it is only matter of opinion what rate a pound sterling is there to be valued at, not being able to obtain what it is meant to represent."

"The exchange against England fluctuating from 15 to 20 per cent. how much of that loss may be ascribed to the effect of the measures taken by the enemy in the north of Germany, and the interruption of intercourse which has been the result, and how much to the effect of the Bank of England paper not being convertible into cash, to which you have ascribed a part of that depreciation?—I ascribe the whole of the depreciation to have taken place originally in consequence of the measures of the enemy, and its not having recovered to the circumstance of the paper of England not being exchangeable for cash."

"Since the conduct of the enemy which you have described, what other causes have continued to operate on the continent to lower the course of exchange?—Very considerable shipments from the Baltic, which were drawn for and the bills negociated immediately on the shipments taking place, without consulting the interest of the proprietors in this country much, by deferring such a negociation till a demand should take place for such bills: The continued difficulty and uncertainty in carrying on the correspondence between this country and the continent: The curtailed number of houses to be found on the continent willing to undertake such operations, either by accepting bills for English account drawn from the various parts where shipments take place, or by accepting bills drawn from this country, either against property shipped, or on a speculative idea that the exchange either ought or is likely to rise: The length of time that is required before goods can be converted into cash, from the circuitous routes they are obliged to take; The very large sums of money paid to foreign ship owners, which in some instances, such as on the article of hemp, has amounted to nearly its prime cost in Russia: The want of middle men who as formerly used to employ great capitals in exchange operations, who, from the increased difficulties and dangers to which such operations are now subject, are at present rarely to be met with, to make combined exchange operations, which tend to anticipate probable ultimate results."

The preceding answers, and the rest of this gentleman's evidence, all involve this principle, expressed more or less distinctly, that bullion is the true regulator both of the value of a local currency and of the rate of foreign exchanges; and that the free convertibility of paper currency into the precious metals, and the free exportation of those metals, place a limit to the fall of exchange, and not only check the exchanges from falling below that limit, but recover them by restoring the balance.

Your Committee need not particularly point out in what respects these opinions, received from persons of practical detail, are vague and unsatisfactory, and in what respects they are contradictory of one another; considerable assistance however may be derived from the information which the evidence of these persons affords, in explaining the true causes of the present state of the exchanges.

Your Committee conceive that there is no point of trade, considered politically, which is better settled, than the subject of foreign exchanges. The par of exchange between two countries is that sum of the currency of either of the two, which, in point of intrinsic value, is precisely equal to a given sum of the currency of the other; that is, contains precisely an equal weight of gold or silver of the same fineness. If 25 livres of France contained precisely an equal quantity of pure silver with 20*s.* sterling, 25 would be said to be the par of exchange between London and Paris. If one country uses gold for its principal measure of value, and another uses silver, the par between those countries cannot be estimated for any particular period, without taking into account the relative value of gold and silver at that particular period; and as the relative value of the two precious metals is subject to fluctuation, the par of exchange between two such countries is not strictly a fixed point, but fluctuates within certain limits. An illustration of this will be found in the evidence, in the calculation of the par between London and Hamburgh, which is estimated to be 34/3½ Flemish shillings for a pound sterling. That rate of exchange, which is produced at any particular period by a balance of trade or payments between the two countries, and by a consequent disproportion between the supply and the demand of bills drawn by the one upon the other, is a departure on one side or the other from the real and fixed par. But this real par will be altered if any change takes place in the currency of one of the two countries, whether that change consists in the wear or debasement of a metallic currency below its standard, or in the discredit of a forced paper currency, or in the excess of a paper currency not convertible into specie; a fall having taken place in the intrinsic value of a given portion of one currency, that portion will no longer be equal to the same portion, as before, of the other currency. But though the real par of the currencies is thus altered, the dealers, having little or no occasion to refer to the par, continue to reckon their course of exchanges from the former denomination of the par; and in this state of things a distinction is necessary to be made between the real and computed course of exchange. The computed course of exchange, as expressed in the tables used by the merchants, will then include, not only the real difference of exchange arising from the state of trade, but likewise the difference between the original par and the new par. Those two sums may happen to be added together in the calculation, or they may happen to be set against each other. If the country, whose currency has been depreciated in comparison with the other, has the balance of trade also against it, the computed rate of exchange will appear to be still more unfavourable than the real difference of exchange will be found to be; and so if that same country has the balance of trade in its favour, the computed rate of exchange will appear to be much less favourable than the real difference of exchange will be found to be. Before the new coinage of our silver in King William's time, the exchange between England and Holland, computed in the usual manner according to the standard of their respective Mints, was 25 per cent. against England; but the value of the current coin of England was more than 25 per cent. below the standard value; so that if that of Holland was at its full standard, the real exchange was in fact in favour of England. It may happen in the same manner, that the two parts of the calculation may be both opposite and equal, the real exchange in favour of the country by trade being equal to the nominal exchange against it by the state of its currency; in that case, the computed exchange will be at par, while the real exchange is in fact in favour of that country. Again, the currencies of both the countries which trade together may have undergone an alteration, and that either in an equal degree, or unequally; in such a case, the question of the real state of the exchange between them becomes a little more complicated, but it is to be resolved exactly upon the same principle. Without going out of the bounds of the present inquiry, this may be well illustrated by the present state of the exchange of London with Portugal, as quoted in the tables for the 18th of May last. The exchange of London on Lisbon appears to be 67½; 67½*d.* sterling for a milree is the old established par of exchange between the two countries; and 67½ accordingly is still said to be the par. But by the evidence of Mr. Lyne, it appears, that, in Portugal, all payments are now by law made one-half in hard money, and one-half in government paper; and that this paper is depreciated at a discount of 27 per cent. Upon all payments made in Portugal, therefore, there is a discount or loss of 13½ per cent. and the exchange at 67½, though nominally at par, is in truth 13½ per cent. against this country. If the exchange were really at par, it would be quoted at $56\frac{65}{100}$, or apparently 13½ per cent, in favour of London, as compared with the old par which was fixed before the depreciation of the Portuguese medium of payments. Whether this 13½ per cent. which stands against this country by the present exchange on Lisbon, is a real difference of exchange, occasioned by the course of trade and by the remittances to Portugal on account of government, or a nominal and apparent exchange occasioned by something in the state of our own currency, or is partly real and partly nominal, may perhaps be determined by what your Committee have yet to state.

It appears to your Committee to have been long settled and understood as a principle, that the difference of exchange resulting from the state of trade and payments between two countries is limited by the expence of conveying and insuring the precious metals from one country to the other; at least, that it cannot for any considerable length of time exceed that limit. The real difference of exchange, resulting from the state of trade and payments, never can fall lower than the amount of such expence of carriage, including the insurance. The truth of this position is so plain, and it is so uniformly agreed to by all the practical authorities, both commercial and political, that your Committee will assume it as indisputable.

It occurred however to your Committee that the amount of that charge and premium of insurance might be increased above what it has been in ordinary periods even of war, by the peculiar circumstances which at present obstruct the commercial intercourse between this country and the Continent of Europe; and that as such an increase would place so much lower than usual the limit to which our exchanges might fall, an explanation might thereby be furnished of their present unusual fall. Your Committee accordingly directed their enquiries to this point.

It was stated to your Committee, by the merchant who has been already mentioned as being intimately acquainted with the trade between this country and the Continent, that the present expence of transporting gold from London to Hamburgh, independent of the premium of insurance, is from 1½ to 2 per cent; that the risk is very variable from day to day, so that there is no fixed premium, but he conceived the average risk, for the fifteen months preceding the time when he spoke, to have been about 4 per cent.: making the whole cost of sending gold from London to Hamburgh for those fifteen months at such average of the risk, from 5½ to 6 per cent.—Mr. Abraham Goldsmid stated, that in the last five or six months of the year 1809, the expence of sending gold to Holland varied exceedingly, from 4 to 7 per cent. for all charges, covering the risk as well as the costs of transportation. By the evidence which was taken before the Committees upon the Bank Affairs in 1797, it appears that the cost of sending specie from London to Hamburgh in that time of war, including all charges as well as an average insurance, was estimated at a little more than 3½ per cent. It is clear, therefore, that in consequence of the peculiar circumstances of the present state of the war, and the increased difficulties of intercourse with the Continent, the cost of transporting the precious metals thither from this country has not only been rendered more fluctuating than it used to be, but, upon the whole is very considerably increased. It would appear however, that upon an average of the risk for that period when it seems to have been highest, the last half of the last year, the cost and insurance of transporting gold to Hamburgh or to Holland did not exceed 7 per cent. It was of course greater at particular times, when the risk was above that average. It is evident also that the risk, and consequently the whole cost of transporting it to an inland market, to Paris for example, would upon an average, be higher than that of carrying it to Amsterdam or Hamburgh. It follows, that the limit to which the exchanges, as resulting from the state of trade, might fall and continue unfavourable for a considerable length of time, has, during the period in question, been a good deal lower than in former times of war; but it appears also, that the expence of remitting specie has not been increased so much, and that the limit, by which the depression of the exchanges is bounded, has not been lowered so much, as to afford an adequate explanation of a fall of the exchanges so great as from 16 to 20 per cent. below par. The increased cost of such remittance would explain, at those moments when the risk was greatest, a fall of something more than 7 per cent. in the exchange with Hamburgh or Holland, and a fall still greater perhaps in the exchange with Paris; but the rest of the fall which has actually taken place, remains to be explained in some other manner.

Your Committee are disposed to think from the result of the whole evidence, contradictory as it is, that the circumstances of the trade of this country, in the course of the last year, were such as to occasion a real fall of our exchanges with the Continent to a certain extent, and perhaps at one period almost as low as the limit fixed by the expence of remitting gold from hence to the respective markets. And your Committee is inclined to this opinion, both by what is stated regarding the excess of imports from the Continent above the exports, though that is the part of the subject which is left most in doubt; and also by what is stated respecting the mode in which the payments in our trade have been latterly effected, an advance being paid upon the imports from the Continent of Europe, and a long credit being given upon the exports to other parts of the world.

Your Committee, observing how entirely the present depression of our exchange with Europe is referred by many persons to a great excess of our imports above our exports, have called for an account of the actual value of those for the last five years; and Mr. Irving, the Inspector General of Customs, has accordingly furnished the most accurate estimate of both that he has been enabled to form. He has also endeavoured to forward the object of the Committee, by calculating how much should be deducted from the value of goods imported, on account of articles in return for which nothing is exported. These deductions consist of the produce of fisheries, and of imports from the East and West Indies, which are of the nature of rents, profits, and capital remitted to proprietors in this country. The balance of trade in favour of this country, upon the face of the account thus made up, was

In 1805 about	6,616,000*l.*
1806	10,437,000*l.*
1807	5,866,000*l.*
1808	12,481,000*l.*
1809	14,834,000*l.*

So far therefore, as any inference is to be drawn from the balance thus exhibited, the exchanges during the present year, in which many payments to this country on account of the very advantageous balances of the two former years may be expected to take place, ought to be peculiarly favourable.

Your Committee, however, place little confidence in deductions made even from the improved document which the industry and intelligence of the inspector general has enabled him to furnish. It is defective, as Mr. Irving has himself stated, inasmuch as it supplies no account of the sum drawn by foreigners (which is at the present period peculiarly large) on account of freight due to them for the employment of their shipping, nor, on the other hand, of the sum receivable from them (and forming an addition to the value of our exported articles) on account of freight arising from the employment of British shipping. It leaves out of consideration all interest on capital in England possessed by foreigners, and on capital abroad belonging to inhabitants of Great Britain, as well as the pecuniary transactions between the governments of England and Ireland. It takes no cognizance of contraband trade, and of exported and imported bullion, of which no account is rendered at the Custom-house. It likewise omits a most important article, the variations of which, if correctly stated, would probably be found to correspond in a great degree with the fluctuations of the apparently favourable balance; namely, the bills drawn on government for our naval, military, and other expences in foreign parts. Your Committee had hoped to receive an account of these from the table of the House; but there has been some difficulty and consequent delay in executing a material part of the order made for them. It appears from "An Account, as far as it could be made out, of sums paid for expenses abroad in 1793,4,5,6," inserted in the Appendix of the Lords' Report on the occasion of the Bank Restriction Bill, that the sums so paid were,

In 1793	2,785,252*l.*
4	8,335,591*l.*
5	11,040,236*l.*
6	10,649,916*l.*

The following is an account of the official value of our Imports and Exports with the continent of Europe alone, in each of the last five years:

	IMPORTS.	EXPORTS.	Balance in favour of Great Britain, reckoned in Official Value.
	£.	£.	£.
1805 ……	10,098,649	15,465,430	5,456,781
1806 ……	8,197,256	13,216,386	5,019,130
1807 ……	7,973,510	12,689,590	4,716,080
1808 ……	4,210,671	11,280,490	7,069,819
1809 ……	9,551,857	23,722,615	14,170,758

The balances with Europe alone in favour of Great Britain, as exhibited in this imperfect statement, are not far from corresponding with the general and more accurate balances before given. The favourable balance of 1809 with Europe alone, if computed according to the actual value, would be much more considerable than the value of the same year, in the former general statement. A favourable balance of trade on the face of the account of exports and imports, presented annually to Parliament, is a very probable consequence of large drafts on Government for foreign expenditure; an augmentation of exports, and a diminution of imports, being promoted and even enforced by the means of such drafts. For if the supply of bills drawn abroad, either by the agents of Government, or by individuals, is disproportionate to the demand, the price of them in foreign money falls, until it is so low as to invite purchasers; and the purchasers, who are generally foreigners, not wishing to transfer their property permanently to England, have a reference to the terms on which the bills on England will purchase those British commodities which are in demand, either in their own country, or in intermediate places, with which the account may be adjusted. Thus, the price of the bills being regulated in some degree by that of British commodities, and continuing to fall till it becomes so low as to be likely to afford profit on the purchase and exportation of these commodities, an actual exportation nearly proportionate to the amount of the bills drawn can scarcely fail to take place. It follows, that there cannot be, for any long period, either a highly favourable, or unfavourable balance of trade; for the balance no sooner affects the price of bills, than the price of bills, by its re-action on the state of trade, promotes an equalization of commercial exports and imports. Your Committee have here considered cash and bullion as forming a part of the general mass of exported or imported articles, and as transferred according to the state both of the supply and the demand; forming however, under certain circumstances, especially in case of great fluctuations in the general commerce, a peculiarly commodious remittance.

Your Committee have enlarged on the documents supplied by Mr. Irving, for for the sake of throwing further light on the general question of the balance of trade and the exchanges, and of dissipating some very prevalent errors which have a great practical influence on the subject now under consideration.

That the real exchange against this country with the continent cannot at any time have materially exceeded the limit fixed by the cost at that time of transporting specie, your Committee are convinced upon the principles which have been already stated. That in point of fact, those exchanges have not exceeded that limit seems to receive a very satisfactory illustration from one part of the evidence of Mr. Greffulhe, who, of all the merchants examined, seemed most wedded to the opinion that the state of the balance payments alone was sufficient to account for any depression of the exchanges, however great. From what the Committee have already stated with respect to the par of exchange, it is manifest that the exchange between two countries is at its real par, when a given quantity of gold or silver in the one country is convertible at the market price into such an amount of the currency of that country, as will purchase a bill of exchange on the other country for such an amount of the currency of that other country, as will there be convertible at the market price into an equal quantity of gold or silver of the same fineness. In the same manner the real exchange is in favour of a country having money transacactions with another, when a given quantity of gold or silver in the former is convertible for such an amount in the currency of that latter country, as will there be convertible into a greater quantity of gold or silver of the same fineness.

Upon these principles, your Committee desired Mr. Greffulhe to make certain calculations, which appear in his answers to the following questions; viz.

"Supposing you had a pound weight troy of gold of the English standard at Paris, and that you wished by means of that to procure a bill of exchange upon London, what would be the amount of the bill of exchange which you would procure in the present circumstances?—I find that a pound of gold of the British standard at the present market price of 105 francs, and the exchange at 20 livres, would purchase a bill of exchange of 59*l.* 8*s.*

"At the present market price of gold in London, how much standard gold can you purchase for 59*l.* 8*s.*?—At the price of 4*l.* 12*s.* I find it will purchase 13 ounces of gold, within a very small fraction.

"Then what is the difference per cent. in the quantity of standard gold which is equivalent to 59*l.* 8*s.* of our currency as at Paris and in London?—About 8½ per cent.

"Suppose you have a pound weight troy of our standard gold at Hamburgh, and that you wished to part with it for a bill of exchange upon London, what would be the amount of the bill of exchange, which, in the present circumstances, you would procure?—At the Hamburgh price of 101, and the exchange at 29, the amount of the bill purchased on London would be 58*l.* 4*s.*

"What quantity of our standard gold, at the present price of 4*l.* 12*s.* do you purchase for 58*l.* 4*s.*?—About 12 ounces and 3 dwts.

"Then what is the difference per cent. between the quantity of standard gold at Hamburgh and in London, which is equivalent to 58*l.* 4*s.* sterling?—About 5½ per cent.

"Suppose you had a pound weight troy of our standard gold at Amsterdam and wished to part with it for a bill of exchange upon London, what would be the amount sterling of the bill of exchange which you would procure?—At the Amsterdam price of 14½, exchange 31, 6, and Bank agio 1 per cent. the amount of the bill on London would be 58*l.* 18*s.*

"At the present price of 4*l.* 12*s.* what quantity of our standard gold do you purchase in London for 58*l.* 18*s.* sterling? —12 oz. 16 dwts.

"How much is that per cent.?—7 per cent."

Similar calculations, but made upon different assumed data, will be found in the evidence of Mr. Abraham Goldsmid. From these answers of Mr. Greffulhe, it appears, that when the computed exchange with Hamburgh was 29, that is, from 16 to 17 per cent. below par, the real difference of exchange, resulting from the state of trade and balance of payments was no more than 5½ per cent. against this country; that when the computed exchange with Amsterdam was 31. 6. that is about 15 per cent. below par, the real exchange was no more than 7 per cent. against this country; that, when the computed exchange with Paris was 20, that is 20 per cent. below par, the real exchange was no more than 8½ per cent. against this country. After making these allowances, therefore, for the effect of the balance of trade and payments upon our exchanges with those places, there will still remain a fall of 11 per cent. in the exchange with Hamburgh, of above 8 per cent. in the exchange with Holland, and 11½ per cent. in the exchange with Paris, to be explained in some other manner.

If the same mode of calculation be applied to the more recent statements of the exchange with the continent, it will perhaps appear, that thought the computed exchange is at present against this country, the real exchange is in its favour.

From the foregoing reasons relative to the state of the exchanges, if they are considered apart, your Committee find it difficult to resist an inference, that a portion at least of the great fall which the exchanges lately suffered must have resulted not from the state of trade, but from a change in the relative value of our domestic currency. But when this deduction is joined with that which your Committee have stated, respecting the change in the market price of gold, that inference appears to be demonstrated.

III.

In consequence of the opinion which your Committee entertain, that, in the present artificial condition of the circulating medium of this country, it is most important to watch the foreign exchanges and the market price of gold, your Committee were desirous to learn, whether the Directors of the Bank of England held the same opinion, and derived from it a practical rule for the controul of their circulation; and particularly whether, in the course of the last year, the great depression of the exchanges, and the great rise in the price of gold, had suggested to the directors any suspicion of the currency of the country being excessive.

Mr. Whitmore, the late governor of the Bank, stated to the Committee, that in regulating the general amount of the loans and discounts, he did "not advert to the circumstance of the exchanges; it appearing upon a reference to the amount of our notes in circulation, and the course of exchange, that they frequently have no connexion." He afterwards said, "My opinion is, I do not know whether it is that of the Bank, that the amount of our paper circulation has no reference at all to the state of the exchange." And on a subsequent day, Mr. Whitmore stated, that "the present unfavourable state of exchange has no influence upon the amount of their issues, the Bank having acted precisely in the same way as they did before." He was likewise asked, Whether, in regulating the amount of their circulation, the Bank ever adverted to the difference between the market and Mint price of gold? and having desired to have time to consider that question, Mr. Whitmore, on a subsequent day, answered it in the following terms, which suggested these further questions:

"In taking into consideration the amount of your notes out in circulation, and in limiting the extent of your discounts to merchants, do you advert to the difference, when such exists, between the market and the Mint price of gold?—We do advert to that, inasmuch as we do not discount at any time for those persons who we know, or have good reason to suppose, export the gold.

"Do you not advert to it any farther than by refusing discounts to such persons?—We do advert to it, inasmuch as whenever any Director thinks it bears upon the question of our discounts, and presses to bring forward the discussion.

"The market price of gold having, in the course of the last year, risen as high as 4*l.* 10*s.* or 4*l.* 12*s.* has that circumstance been taken into consideration by you, so as to have had any effect in diminishing or enlarging the amount of the outstanding demands?—It has not been taken into consideration by me in that view."

Mr. *Pearse,* now governor of the Bank, agreed with Mr. Whitmore in this account of the practice of the Bank, and expressed his full concurrence in the same opinion.

Mr. *Pearse.*—"In considering this subject, with reference to the manner in which Bank notes are issued, resulting from the applications made for discounts to supply the necessary want of Bank notes, by which their issue in amount is so controlled that it can never amount to an excess, I cannot see how the amount of Bank notes issued can operate upon the price of Bullion, or the state of the exchanges, and therefore I am individually of opinion that the price of Bullion, or the state of the exchanges, can never be a reason for lessening the amount of Bank notes to be issued, always understanding the control which I have already described.

"Is the Governor of the Bank of the same opinion which has now been expressed by the Deputy Governor?

Mr. *Whitmore.*—"I am so much of the same opinion, that I never think it necessary to advert to the price of gold, or the state of the exchange, on the days on which we make our advances.

Do you advert to these two circumstances with a view to regulate the general amount of your advances?—I do not advert to it with a view to our general advances, conceiving it not to bear upon the question."

And, Mr. *Harman,* another Bank Director, expressed his opinion in these terms—"I must very materially alter my opinions before I can suppose that the exchanges will be influenced by any modifications of our paper currency."

These gentlemen, as well as several of the merchants who appeared before the Committee, placed much reliance upon an argument which they drew from the want of correspondence in point of time, observable between the amount of Bank of England notes and the state of the Hamburgh exchange during several years; and Mr. Pearse presented a paper on this subject, which is inserted in the Appendix. Your Committee would feel no distrust in the general principles which they have stated, if the discordance had been greater; considering the variety of circumstances which have a temporary effect on exchange, and the uncertainty both of the time and the degree in which it may be influenced by any given quantity of paper. It may be added, that the numerical amount of notes (supposing 1*l.* and 2*l.* notes to be excluded from the statement) did not materially vary during the period of the comparison; and that in the last year, when the general exchanges with Europe have become much more unfavourable, the notes of the Bank of England, as well as those of the country Banks, have been very considerably increased. Your Committee however, on the whole, are not of opinion that a material depression of the Exchanges has been manifestly to be traced in its amount and degree to an augmentation of notes corresponding in point of time. They conceive, that the more minute and ordinary fluctuations of exchange are generally referable to the course of our commerce; that political events, operating upon the state of trade, may often have contributed as well to the rise as to the fall of the exchange; and in particular, that the first remarkable depression of it in the beginning of 1809, is to be ascribed, as has been stated in the evidence already quoted, to commercial events arising out of the occupation of the North of Germany by the troops of the French Emperor. The evil has been that the exchange, when fallen, has not had the full means of recovery under the subsisting system. And if those occasional depressions, which arise from commercial causes, are not after a time successively corrected by the remedy which used to apply itself before the suspension of the cash payments of the Bank, the consequences may ultimately be exactly similar to those which a sudden and extravagant issue of paper woud produce. The restoration of the exchange used to be effected by the clandestine transmission of guineas, which improved it for the moment by serving as a remittance; and unquestionably also in part, probably much more extensively, by the reduction of the total quantity of the remaining circulating medium, to which reduction the Bank were led to contribute by the caution which every drain of gold naturally excited. Under the present system, the former of these remedies must be expected more and more to fail, the guineas in circulation being even now apparently so few as to form no important remittance; and the reduction of paper seems therefore the chief, if not the sole corrective, to be resorted to. It is only after the Bank shall have for some time resumed its cash payments, that both can again operate, as they did on all former occasions prior to the restriction.

The Committee cannot refrain from expressing it to be their opinion, after a very deliberate consideration of this part of the subject, that it is a great practical error to suppose that the exchanges with foreign countries, and the price of Bullion, are not liable to be affected by the amount of a paper currency, which is issued without the condition of payment in specie at the will of the holder. That the exchanges will be lowered, and the price of Bullion raised, by an issue of such paper to excess, is not only established as a principle by the most eminent authorities upon commerce and finance; but its practical truth has been illustrated by the history of almost every state in modern times which has used a paper currency; and in all those countries, this principle has finally been resorted to by their Statesmen, as the best criterion to judge by, whether such currency was or was not excessive.

In the instances which are most familiar in the history of foreign countries, the excess of paper has been usually accompanied by another circumstance, which has no place in our situation at present, a want of confidence in the sufficiency of those funds upon which the paper had been issued. Where these two circumstances, excess and want of confidence, are conjoined, they will co-operate and produce their effect much more rapidly than when it is the result of the excess only of a paper of perfectly good credit; and in both cases an effect of the same sort will be produced upon the foreign exchanges, and upon the price of bullion. The most remarkable examples of the former kind are to be found in the history of the paper currencies of the British Colonies in North America, in the early part of the last century, and in that of the assignats of the French Republic: to which the Committee have been enabled to add another, scarcely less remarkable, from the money speculations of the Austrian government in the last campaign, which will be found in the Appendix. The present state of the currency of Portugal affords, also, an instance of the same kind.

Examples of the other sort, in which the depreciation was produced by excess alone, may be gathered from the experience of the United Kingdom at different times.

In Scotland, about the end of the seven years war, banking was carried to a very great excess; and by a practice of inserting in their promissory notes an optional clause of paying at sight, or in 6 months after sight with interest, the convertibility of such notes into specie at the will of the holder was in effect suspended*. These notes accordingly became depreciated in comparison with specie; and while this abuse lasted, the exchange between London and Dumfries, for example, was sometimes four per cent. against Dumfries, while the exchange between London and Carlisle, which is not thirty miles distant from Dumfries, was at par. The Edinburgh banks, when any of their paper was brought in to be exchanged for bills on London, were accustomed to extend or contract the date of the bills they gave, according to the state of the exchange, diminishing in this manner the value of those bills, nearly in the same degree in which the excessive issue had caused their paper to be depreciated. This excess of paper was at last removed by granting bills on London at a fixed date; for the payment of which bills, or in other words, for the payment of which excess of paper, it was necessary in the first instance to provide, by placing large pecuniary funds in the hands of their London correspondents. In aid of such precautionary measures on the part of the Edinburgh Banks, an act of parliament prohibited the optional clauses, and suppressed ten and five shilling notes. The exchange between England and Scotland was speedily restored to its natural rate: and bills on London at a fixed date having ever since been given in exchange for the circulating notes of Scotland, all material excess of Scottish paper above Bank of England has been prevented, and the exchange has been stationary.

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* Wealth of Nations, vol. i. p. 492.—Report of Committee upon Irish exchange, 1804. Mr. Mansfield's evidence.

The experience of the Bank of England itself, within a very short period after its first establishment, furnishes a very instructive illustration of all the foregoing principles and reasonings. In this instance, the effects of a depreciation of the coin, by wear and clipping, were coupled with the effect of an excessive issue of paper †. The directors of the Bank of England did not at once attain a very accurate knowledge of all the principles by which such an institution must be conducted They lent money not only by discount, but upon real securities, mortgages, and even pledges of commodities not perishable; at the same time the Bank contributed most materially to the service of government for the support of the army upon the continent. By the liberality of those loans to private individuals, as well as by the large advances to government, the quantity of the notes of the Bank became excessive, their relative value was depreciated, and they fell to a discount of 17 per cent. At this time there appears to have been no failure of the public confidence in the funds of the Bank; for its stock sold for 110 per cent. though only 60 per cent. upon the subscriptions had been paid in. By the conjoint effect of this depreciation of the paper of the Bank from excess, and of the depreciation of the silver coin from wear and clipping, the price of Gold Bullion was so much raised, that guineas were as high as 30*s.*; all that had remained of good silver gradually disappeared from the circulation; and the exchange with Holland, which had been before a little affected by the remittances for the army, sunk, as low as 25 per cent. under par, when the Bank notes were at a discount of 17 per cent. Several expedients were tried, both by parliament and by the Bank, to force a better silver coin into circulation, and to reduce the price of guineas, but without effect. At length the true remedies were resorted to: first, by a new coinage of silver, which restored that part of the currency to its standard value, though the scarcity of money occasioned by calling in the old coin brought the Bank into streights, and even for a time affected its credit; secondly, by taking out of the circulation the excess of Bank notes. This last operation appears to have been effected very judiciously. Parliament consented to enlarge the capital stock of the Bank, but annexed a condition, directing that a certain proportion of the new subscriptions should be made good in Bank notes. In proportion to the amount of notes sunk in this manner, the value of those which remained in circulation began presently to rise; in a short time the notes were at par, and the foreign exchanges nearly so. These details are all very fully mentioned in authentic tracts published at the time, and the case appears to your Committee to afford much instruction upon the subject of their present enquiry.

Your Committee must next refer to the confirmation and sanction which all their reasonings receive from the labours of the Committee of this House, which was appointed in a former parliament to examine into the causes of the great depreciation of the Irish exchange with England in 1804. Most of the mercantile persons who gave evidence before that Committee, including two directors of the Bank of Ireland, were unwilling to admit that the fall of the exchange was in any degree to be ascribed to an excess of the paper currency arising out of the restriction of 1797; the whole fall in that case, as in the present, was referred to an unfavourable balance of trade or of payments; and it was also then affirmed, that "notes issued only in proportion to the demand, in exchange for good and convertible securities payable at specific periods, could not tend to any excess in the circulation, or to any depreciation." This doctrine, though more or less qualified by some of the witnesses, pervades most of the evidence given before that Committee, with the remarkable exception of Mr. Mansfield, whose knowledge of the effects of that over issue of Scotch paper, which has just been mentioned, led him to deliver a more just opinion on the subject. Many of the witnesses before the Committee, however unwilling to acknowledge the real nature of the evil, made important concessions, which necessarily involved them in inconsistency. They could not, as practical men, controvert the truth of the general position, that "the fluctuations of exchange between two countries are generally limited by the price at which any given quantity of bullion can be purchased in the circulating medium of the debtor country, and converted into the circulating medium of the creditor country, together with the insurances and charges of transporting it from the one to the other." It was at the same time admitted, that the expence of transporting gold from England to Ireland, including insurance, was then under one per cent.; that before the restriction, the fluctuations had never long and much exceeded this limit; and moreover, that the exchange with Belfast, where guineas freely circulated at the time of the investigation by that Committee, was then 1¼ in favour of Ireland, while the exchange with Dublin, where only paper was in use, was 10*l.* per cent. against that country. It also appeared from such imperfect documents as it was practicable to furnish, that the balance of trade was then favourable to Ireland. Still however, it was contended, that there was no depreciation of Irish paper, that there was a scarcity and consequent high price of gold, and that the diminution of Irish paper would not rectify the exchange. "The depreciation of Bank paper in Ireland" (it was said by one of the witnesses, a director of the Bank of Ireland) "is entirely a relative term with respect to the man who buys and sells in Dublin by that common medium: to him it is not depreciated at all; but to the purchaser of a bill on London, to him in that relation, and under that circumstance, there is a depreciation of ten per cent." By thus avoiding all comparison with a view to the point in issue, between the value of their own paper and that of either the then circulating medium of this country or of gold bullion, or even of gold coin then passing at a premium in other parts of Ireland, they appear to have retained a confident opinion, that no depreciation of Irish paper had taken place.

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† See a short account of the Bank by Mr. Godfrey, one of the original directors; and a Short History of the Last Parliament, 1699, by Dr. Drake; both in Lord Somers' Collection of Tracts.

It is further observable, that the value of a considerable quantity of dollars put into circulation by the Bank of Ireland at this period, was raised to 5*s.* a dollar, for the professed purpose of rendering the new silver coin conformable to the existing state of the exchange, a circumstance on which the Committee animadverted in their Report, and which serves to shew that the Irish paper currency could not stand a comparison with the standard price of silver, any more than with that of gold bullion, with gold in coin, or with the then paper currency of this kingdom.

A fact was mentioned to that Committee on the evidence of Mr. Colville, a director of the Bank of Ireland, which, though it carried no conviction to his mind of the tendency of a limitation of paper to lower Exchanges, seems very decisive on this point. He stated, that in 1753 and 1754, the Dublin Exchange being remarkably unfavourable, and the notes of the Dublin Bank being suddenly withdrawn, the Exchange became singularly favourable. The mercantile distress produced on that occasion was great, through the suddenness of the operation, for it was effected, not by the gradual and prudential measures of the several banks, but through the violent pressure which their unguarded issues had brought upon them. The general result, however, is not the less observable.

With a view to the further elucidation of the subject of the Irish Exchanges, which so lately attracted the attention of Parliament, it may be proper to remark that Ireland has no dealings in exchange with foreign countries, except through London; and that the payments from Ireland to the continent are consequently converted into English currency, and then into the currency of the countries to which Ireland is indebted. In the spring of 1804, the Exchange of England with the continent was above par, and the Exchange of Ireland was in such a state that 118*l.* 10*s.* of the notes of the Bank of Ireland would purchase only 100*l.* of those of the Bank of England. Therefore, if the notes of the Bank of Ireland were not depreciated, and it was so maintained, it followed that the notes of the Bank of England were at more than 10 per cent. premium above the standard coin of the two countries.

The principles laid down by the Committee of 1804, had probably some weight with the directors of the Bank of Ireland; for between the period of their Report (June 1804) and January, 1806, the circulation of the notes of the Bank of Ireland was gradually (though with small occasional fluctuations) reduced from about three millions to 2,410,000*l.* being a diminution of nearly 1-5th; at the same time, all the currency which had been issued under the name of silver tokens was by law suppressed. The paper currency, both of the Bank of England, and of the English country banks, seems during the same period to have gradually increased. The combination of these two causes is likely to have had a material effect in restoring to par the Irish Exchange with England.

The Bank of Ireland has again gradually enlarged its issues to about 3,100,000*l.* being somewhat higher than they stood in 1804, an increase probably not disproportionate to that which has occurred in England within the same period. Perhaps, however, it ought not to be assumed, that the diminution of issues of the Bank of Ireland between 1804 and 1806, would produce a corresponding reduction in the issues of private banks in Ireland, exactly in the same manner in which a diminution of Bank of England paper produces that effect on the country banks in Great Britain; because the Bank of Ireland does not possess the same exclusive power of supplying any part of that country with a paper currency, which the Bank of England enjoys in respect to the metropolis of the empire. The Bank of England, by restricting the quantity of this necessary article in that important quarter, can more effectually secure the improvement of its value; and every such improvement must necessarily lead, by a corresponding diminution in amount, to a similar augmentation of the value of country bank paper exchangeable for it. That the same diminution of the circulation of private banks took place in Ireland is more than probable, for the private banks in Ireland are accustomed to give Bank of Ireland paper for their own circulating notes when required to do so, and therefore could not but feel the effect of any new limitation of that paper for which their own was exchangeable.

It is due, however, in justice to the present directors of the Bank of England, to remind the House, that the suspension of their cash payments, though it appears in some degree to have originated in a mistaken view taken by the Bank of the peculiar difficulties of that time, was not a measure sought for by the Bank, but imposed upon it by the Legislature for what were held to be urgent reasons of state policy and public expediency. And it ought not to be urged as matter of charge against the directors, if in this novel situation in which their commercial company was placed by the law, and entrusted with the regulation and control of the whole circulating medium of the country, they were not fully aware of the principles by which so delicate a trust should be executed, but continued to conduct their business of discounts and advances according to their former routine.

It is important, at the same time, to observe, that under the former system, when the bank was bound to answer its notes in specie upon demand, the state of the foreign exchanges and the price of gold did most materially influence its conduct in the issue of those notes, though it was not the practice of the directors systematically to watch either the one or the other. So long as gold was demandable for their paper, they were speedily apprized of a depression of the exchange, and a rise in the price of gold, by a run upon them for that article. If at any time they incautiously exceeded the proper limit of their advances and issues, the paper was quickly brought back to them, by those who were tempted to profit by the market price of gold or by the rate of Exchange. In this manner the evil soon cured itself. The directors of the bank having their apprehensions excited by the reduction of their stock of gold, and being able to replace their loss only by reiterated purchases of bullion at a very losing price, naturally contracted their issues of paper, and thus gave to the remaining paper, as well as to the coin for which it was interchangeable, an increased value, while the clandestine exportation either of the coin, or the gold produced from it, combined in improving the state of the Exchange, and in producing a corresponding diminution of the difference between the market price and Mint price of gold, or of paper convertible into gold.

Your Committee do not mean to represent that the manner, in which this effect resulted from the conduct which they have described, was distinctly perceived by the bank directors. The fact of limiting their paper as often as they experienced any great drain of gold, is, however, unquestionable. Mr. Bosanquet stated, in his evidence before the Secret Committee of the House of Lords, in the year 1797, that in 1783, when the bank experienced a drain of cash which alarmed them, the directors took a bold step and refused to make the advances on the loan of that year. This, he said, answered the purpose of making a temporary suspension in the amount of the drain of their specie. And all the three directors who have been examined before your Committee, represent some restriction of the bank issues as having usually taken place at those periods antecedent to the suspension of the cash payments of the bank, when they experienced any material run. A very urgent demand for guineas, though arising not from the high price of gold and the state of the exchange, but from a fear of invasion, occurred in 1793, and also in 1797, and in each of these periods the bank restrained their discounts, and consequently also the amount of their notes, very much below the demand of the merchants. Your Committee question the policy of thus limiting the accommodation in a period of alarm, unaccompanied with an unfavourable exchange and high price of bullion; but they consider the conduct of the bank at the two last-mentioned periods, as affording illustration of their general disposition, antecedently to 1797, to contract their loans and their paper, when they found their gold to be taken from them.

It was a necessary consequence of the suspension of cash payments, to exempt the bank from that drain of gold, which, in former times, was sure to result from an unfavourable exchange and a high price of bullion. And the directors, released from all fears of such a drain, and no longer feeling any inconvenience from such a state of things, have not been prompted to restore the exchanges and the price of gold to their proper level by a reduction of their advances and issues. The directors, in former times, did not perhaps perceive and acknowledge the principle more distinctly than those of the present day, but they felt the inconvenience, and obeyed its impulse; which practically established a check and limitation to the issue of paper. In the present times, the inconvenience is not felt; and the check, accordingly, is no longer in force. But your Committee beg leave to report it to the House as their most clear opinion, that so long as the suspension of cash payments is permitted to subsist, the price of gold bullion and the general course of exchange with foreign countries, taken for any considerable period of time, form the best general criterion from which any inference can be drawn, as to the sufficiency or excess of paper currency in circulation; and that the Bank of England cannot safely regulate the amount of its issues, without having reference to the criterion presented by these two circumstances. And upon a review of all the facts and reasonings which have already been stated, your Committee are further of opinion, that, although the commercial state of this country, and the political state of the continent, may have had some influence on the high price of gold bullion and the unfavourable course of exchange with foreign countries, this price, and this depreciation, are also to be ascribed to the want of a permanent check, and a sufficient limitation of the paper currency in this country.

In connection with the general subject of this part of their Report, the policy of the Bank of England respecting the amount of their circulation, your Committee have now to call the attention of the House to another topic, which was brought under their notice in the course of their enquiry, and which in their judgment, demands the most serious consideration. The Bank directors, as well as some of the merchants who have been examined, shewed a great anxiety to state to your Committee a doctrine, of the truth of which they professed themselves to be most thoroughly convinced, that there can be no possible excess in the issue of Bank of England paper, so long as the advances in which it is issued are made upon the principles which at present guide the conduct of the directors, that is, so long as the discount of mercantile bills are confined to paper of undoubted solidity, arising out of real commercial transactions, and payable at short and fixed periods. That the discounts should be made only upon bills growing out of real commercial transactions, and falling due in a fixed and short period, are sound and well established principles. But that, while the Bank is restrained from paying in specie, there need be no other limit to the issue of their paper than what is fixed by such rules of discount, and that during the suspension of cash payments the discount of good bills falling due at short periods cannot lead to any excess in the amount of Bank paper in circulation, appears to your Committee to be a doctrine wholly erroneous in principle, and pregnant with dangerous consequences in practice.

But before your Committee proceed to make such observations upon this theory as it appears to them to deserve, they think it right to shew from the evidence, to what extent it is entertained by some of those individuals who have been at the head of the affairs of the Bank. The opinions held by those individuals are likely to have an important practical influence; and appeared to your Committee, moreover, the best evidence of what has constituted the actual policy of that establishment in its corporate capacity.

Mr. Whitmore, the late governor of the Bank, expressly states, "The Bank never force a note in circulation, and there will not remain a note in circulation more than the immediate wants of the public require; for no banker, I presume, will keep a larger stock of Bank notes by him than his immediate payments require, as he can at all times procure them." The reason here assigned is more particularly explained by Mr. Whitmore, when he says, "The Bank notes would revert to us if there was a redundancy in circulation, as no one would pay interest for a Bank note that he did not want to make use of." Mr. Whitmore further states, "The criterion by which I judge of the exact proportion to be maintained between the occasions of the public, and the issues of the Bank, is by avoiding as much as possible to discount what does not appear to be legitimate mercantile paper." And further, when asked, What measure the court of directors has to judge by, whether the quantity of Bank notes out in circulation is at any time excessive? Mr. Whitmore states, that their measure of the security or abundance of Bank notes is certainly by the greater or less application that is made to them for the discount of good paper.

Mr. Pearse, late deputy governor, and now governor of the Bank, stated very distinctly his concurrence in opinion with Mr. Whitmore upon this particular point. He referred "to the manner in which Bank notes are issued, resulting from the applications made for discounts to supply the necessary want of Bank notes, by which their issue in amount is so controlled that it can never amount to an excess." He considers "the amount of the Bank notes in circulation as being controlled by the occasions of the public, for internal purposes," and that "from the manner in which the issue of Bank notes is controlled, the public will never call for more than is absolutely necessary for their wants."

Another director of the Bank, Mr. Harman, being asked, If he thought that the sum total of discounts applied for, even though the accommodation afforded should be on the security of good bills to safe persons, might be such as to produce some excess in the quantity of the Bank issues if fully complied with? he answered, "I think if we discount only for solid persons, and such paper as is for real *bonâ fide* transactions, we cannot materially err." And he afterwards states, that what he should consider as the test of a superabundance would be, "money being more plentiful in the market."

It is material to observe, that both Mr. Whitmore and Mr. Pearse state that "the Bank does not comply with the whole demand upon them for discounts, and that they are never induced, by a view to their own profit, to push their issues beyond what they deem consistent with the public interest."

Another very important part of the evidence of these gentlemen upon this point, is contained in the following extract:

"Is it your opinion that the same security would exist against any excess in the issues of the bank, if the rate of the discount were reduced from 5*l.* to 4*l.* per cent.?" Answer.—"The security of an excess of issue would be, I conceive, precisely the same." Mr. *Pearse.*—"I concur in that answer."

"If it were reduced to 3*l.* per cent.?" —Mr. *Whitmore.* "I conceive there would be no difference if our practice remained the same as now, of not forcing a note into circulation." Mr. *Pearse.*—"I concur in that answer."

Your Committee cannot help again calling the attention of the House to the view which this evidence presents, of the consequences which have resulted from the peculiar situation in which the Bank of England was placed by the suspension of cash payments. So long as the paper of the Bank was convertible into specie at the will of the holder, it was enough, both for the safety of the Bank and for the public interest in what regarded its circulating medium, that the directors attended only to the character and quality of the bills discounted, as real ones and payable at fixed and short periods. They could not much exceed the proper bounds in respect of the quantity and amount of bills discounted, so as thereby to produce an excess of their paper in circulation, without quickly finding that the surplus returned upon themselves in demand for specie. The private interest of the Bank to guard themselves against a continued demand of that nature, was a sufficient protection for the public against any such excess of Bank paper, as would occasion a material fall in the relative value of the circulating medium. The restriction of cash payments, as has already been shewn, having rendered the same preventive policy no longer necessary to the Bank, has removed that check upon its issues which was the public security against an excess. When the Bank directors were no longer exposed to the inconvenience of a drain upon them for gold, they naturally felt that they had no such inconvenience to guard against by a more restrained system of discounts and advances; and it was very natural for them to pursue as before (but without that sort of guard and limitation which was now become unnecessary to their own security) the same liberal and prudent system of commercial advances from which the prosperity of their own establishment had resulted, as well as in a great degree the commercial prosperity of the whole country. It was natural for the Bank directors to believe, that nothing but benefit could accrue to the public at large, while they saw the growth of Bank profits go hand in hand with the accommodations granted to the merchants. It was hardly to be expected of the directors of the Bank, that they should be fully aware of the consequences that might result from their pursuing, after the suspension of cash payments, the same system which they had found a safe one before. To watch the operation of so new a law, and to provide against the injury which might result from it to the public interests, was the province, not so much of the Bank as of the legislature: and, in the opinion of your Committee, there is room to regret that this House has not taken earlier notice of all the consequences of that law.

By far the most important of those consequences is, that while the convertibility into specie no longer exists as a check to an over issue of paper, the Bank directors have not perceived that the removal of that check rendered it possible that such an excess might be issued by the discount of perfectly good bills. So far from perceiving this, your Committee have shewn that they maintain the contrary doctrine with the utmost confidence, however it may be qualified occasionally by some of their expressions. That this doctrine is a very fallacious one, your Committee cannot entertain a doubt. The fallacy, upon which it is founded, lies in not distinguishing between an advance of capital to merchants, and an addition of supply of currency to the general mass of circulating medium. If the advance of capital only is considered, as made to those who are ready to employ it in judicious and productive undertakings, it is evident there need be no other limit to the total amount of advances than what the means of the lender, and his prudence in the selection of borrowers, may impose. But in the present situation of the Bank, entrusted as it is with the function of supplying the public with that paper currency which forms the basis of our circulation, and at the same time not subjected to the liability of converting the paper into specie, every advance which it makes of capital to the merchants in the shape of discount, becomes an addition also to the mass of circulating medium. In the first instance, when the advance is made by notes paid in discount of a bill, it is undoubtedly so much capital, so much power of making purchases, placed in the hands of the merchant who receives the notes; and if those hands are safe, the operation is so far, and in this its first step, useful and productive to the public. But as soon as the portion of circulating medium, in which the advance was thus made, performs in the hands of him to whom it was advanced this its first operation as capital, as soon as the notes are exchanged by him for some other article which is capital, they fall into the channel of circulation as so much circulating medium, and form an addition to the mass of currency. The necessary effect of every such addition to the mass is to diminish the relative value of any given portion of that mass in exchange for commodities. If the addition were made by notes convertible into specie, this diminution of the relative value of any given portion of the whole mass would speedily bring back upon the Bank, which issued the notes, as much as was excessive. But if by law they are not so convertible, of course this excess will not be brought back, but will remain in the channel of circulation, until paid in again to the Bank itself in discharge of the bills which were originally discounted. During the whole time they remain out, they perform all the functions of circulating medium; and before they come to be paid in discharge of those bills, they have already been followed by a new issue of notes in a similar operation of discounting. Each successive advance repeats the same process. If the whole sum of discounts continues outstanding at a given amount, there will remain permanently out in circulation a corresponding amount of paper; and if the amount of discounts is progressively increasing, the amount of paper, which remains out in circulation over and above what is otherwise wanted for the occasions of the public, will progressively increase also, and the money prices of commodities will progressively rise. This progress may be as indefinite, as the range of speculation and adventure in a great commercial country.

It is necessary to observe, that the law, which in this country limits the rate of interest, and of course the rate at which the Bank can legally discount, exposes the Bank to still more extensive demands for commercial discounts. While the rate of commercial profit is very considerably higher than five per cent. as it has lately been in many branches of our foreign trade, there is in fact no limit to the demands which merchants of perfectly good capital, and of the most prudent spirit of enterprise, may be tempted to make upon the Bank for accommodation and facilities by discount. Nor can any argument or illustration place in a more striking point of view the extent to which such of the Bank directors, as were examined before the Committee, seem to have in theory embraced that doctrine upon which your Committee have made these observations, as well as the practical consequences to which that doctrine may lead in periods of a high spirit of commercial adventure, than the opinion which Mr. Whitmore and Mr. Pearse have delivered; that the same complete security to the public against any excess in the issues of the Bank would exist if the rate of discount were reduced from five to four, or even to three per cent. From the evidence, however, of the late governor and deputy governor of the Bank, it appears, that though they state the principle broadly that there can be no excess of their circulation if issued according to their rules of discount, yet they disclaim the idea of acting up to it in its whole extent; though they stated the applications for the discount of legitimate bills to be their sole criterion of abundance or scarcity, they gave your Committee to understand, that they do not discount to the full extent of such applications. In other words, the directors do not act up to the principle which they represent as one perfectly sound and safe, and must be considered, therefore, as possessing no distinct and certain rule to guide their discretion in controlling the amount of their circulation.

The suspension of cash payments has had the effect of committing into the hands of the directors of the Bank of England, to be exercised by their sole discretion, the important charge of supplying the country with that quantity of circulating medium which is exactly proportioned to the wants and occasions of the public. In the judgment of the Committee, that is a trust, which it is unreasonable to expect that the directors of the Bank of England should ever be able to discharge. The most detailed knowledge of the actual trade of the country, combined with the profound science in all the principles of money and circulation, would not enable any man or set of men to adjust, and keep always adjusted, the right proportion of circulating medium in a country to the wants of trade. When the currency consists entirely of the precious metals, or of paper convertible at will into the precious metals, the natural process of commerce, by establishing exchanges among all the different countries of the world, adjusts, in every particular country, the proportion of circulating medium to its actual occasions, according to that supply of the precious metals which the mines furnish to the general market of the world. The proportion, which is thus adjusted and maintained by the natural operation of commerce, cannot be adjusted by any human wisdom or skill. If the natural system of currency and circulation be abandoned, and a discretionary issue of paper money substituted in its stead, it is vain to think that any rules can be devised for the exact exercise of such a discretion; though some cautions may be pointed out to check and control its consequences, such as are indicated by the effect of an excessive issue upon exchanges and the price of gold. The directors of the Bank of England, in the judgment of your Committee, have exercised the new and extraordinary discretion reposed in them since 1797, with an integrity and a regard to the public interest, according to their conceptions of it, and indeed a degree of forbearance in turning it less to the profit of the Bank than it would easily have admitted of, that merit the continuance of that confidence which the public has so long and so justly felt in the integrity with which its affairs are directed, as well as in the unskaken stability and ample funds of that great establishment. That their recent policy involves great practical errors, which it is of the utmost public importance to correct, your Committee are fully convinced; but those errors are less to be imputed to the Bank directors, than to be stated as the effect of a new system, of which, however it originated, or was rendered necessary as a temporary expedient, it might have been well if parliament had sooner taken into view all the consequences. When your Committee consider that this discretionary power, of supplying the kingdom with circulating medium, has been exercised under an opinion that the paper could not be issued to excess if advanced in discounts to merchants in good bills payable at stated periods, and likewise under an opinion that neither the price of bullion nor the course of exchanges need be adverted to, as affording any indication with respect to the sufficiency or excess of such paper, your Committee cannot hesitate to say, that these opinions of the Bank must be regarded as in a great measure the operative cause of the continuance of the present state of things.

IV.

Your Committee will now proceed to state from the information which has beeen laid before them, what appears to have been the progressive increase, and to be the present amount of the paper circulation of this country, consisting primarily of the notes of the Bank of England not at present convertible into specie; and, in a secondary manner, of the notes of the country bankers which are convertible, at the option of the holder, into Bank of England paper. After having stated the amount of Bank of England paper, your Committee will explain the reasons which induce them to think that the numerical amount of that paper is not alone to be considered as decisive of the question as to its excess: and before stating the amount of country Bank paper, so far as that can be ascertained, your Committee will explain their reasons for thinking, that the amount of the country Bank circulation is limited by the amount of that of the Bank of England.

1. It appears from the accounts laid before the Committees upon the Bank affairs in 1797, that for several years previous to the year 1796, the average amount of Bank Notes in circulation was between 10,000,000*l.* and 11,000,000*l.* hardly ever falling below 9,000,000*l.* and not often exceeding to any great amount 11,000,000*l.*

The following abstract of the several accounts referred to your Committee, or ordered by your Committee from the Bank, will shew the progressive increase of the Notes from the year 1798 to the end of the last year.

Average amount of Bank of England Notes in circulation in each of the following years:

	Notes of £. 5. and upwards, including Bank Post Bills.	Notes under £. 5.	Total.
	£.	£.	£.
1798	11,527,250	1,807,502	13,334,752
1799	12,408,522	1,653,805	14,062,327
1800	13,598,666	2,243,266	15,841,932
1801	13,454,367	2,715,182	16,169,594
1802	13,917,977	3,136,477	17,054,454
1803	12,983,477	3,864,045	16,847,522
1804	12,621,348	4,723,672	17,345,020
1805	12,697,352	4,544,580	17,241,932
1806	12,844,170	4,291,230	17,135,400
1807	13,221,988	4,183,013	17,405,001
1808	13,402,160	4,132,420	17,534,580
1809	14,133,615	4,868,275	19,001,890

Taking from the accounts the last half of the year 1809, the average will be found higher than for the whole year, and amounts to 19,880,310.

The accounts in the Appendix give very detailed returns for the first four months of the present year, down to the 12th May, from which it will be found that the amount was then increasing, particularly in the smaller Notes. The whole amount of Bank Notes in circulation, exclusive of 939,990*l.* of Bank Post Bills, will be found on the average of the two Returns for the 5th and 12th May last, to be 14,136,610*l.* in Notes of 5*l.* and upwards, and 6,173,380*l.* in Notes under 5*l.* making the sum of 20,309,990*l.* and, including the Bank Post Bills, the sum of 21,249,980*l.*

By far the most considerable part of this increase since 1798, it is to be observed, has been in the article of small notes, part of which must be considered as having been introduced to supply the place of the specie which was deficient at the period of the suspension of cash payments. It appears however that the first supply of small notes, which was thrown into circulation after that event, was very small in comparison of their present amount; a large augmentation of them appears to have taken place from the end of the year 1799 to that of the year 1802; and a very rapid increase has also taken place since the month of May in the last year to the present time; the augmentation of these small notes from 1st May 1809 to the 5th of May 1810, being from the sum of 4,509,470*l.* to the sum of 6,161,020*l.*

The notes of the Bank of England are principally issued in advances to Government for the public service, and in advances to the merchants upon the discount of their bills.

Your Committee have had an account laid before them, of advances made by the Bank to Government on land and malt, Exchequer Bills, and other securities, in every year since the suspension of cash payments; from which, as compared with the accounts laid before the Committees of 1797, and which were then carried back for 20 years, it will appear that the yearly advances of the Bank to Government have upon an average, since the suspension, been considerably lower in amount than the average amount of advances prior to that event, and the amount of those advances in the two last years, though greater in amount than those of some years immediately preceding, is less than it was for any of the six years preceding the restriction of cash payments.

With respect to the amount of commercial discounts, your Committee did not think it proper to require from the Directors of the Bank a disclosure of their absolute amount, being a part of their private transactions as a commercial Company, of which, without urgent reason, it did not seem right to demand a disclosure. The late Governor and Deputy Governor however, at the desire of your Committee, furnished a comparative scale, in progressive numbers, shewing the increase of the amount of their discounts from the year 1790 to 1809, both inclusive. They made a request, with which your Committee have thought it proper to comply, that this document might not be made public; the Committee therefore have not placed it in the Appendix to the present Report, but have returned it to the Bank. Your Committee however have to state in general terms, that the amount of discounts has been progressively increasing since the year 1796; and that their amount in the last year (1809) bears a very high proportion to their largest amount in any year preceding 1797. Upon this particular subject, your Committee are only anxious to remark, that the largest amount of mercantile discounts by the Bank, if it could be considered by itself, ought never, in their judgment, to be regarded as any other than a great public benefit; and that it is only the excess of paper currency thereby issued, and kept out in circulation, which is to be considered as the evil.

But your Committee must not omit to state one very important principle, that the mere numerical return of the amount of Bank notes out in circulation, cannot be considered as at all deciding the question whether such paper is or is not excessive. It is necessary to have recourse to other tests. The same amount of paper may at one time be less than enough, and at another time more. The quantity of currency required will vary in some degree with the extent of trade; and the increase of our trade, which has taken place since the suspension, must have occasioned some increase in the quantity of our currency. But the quantity of currency bears no fixed proportion to the quantity of commodities; and any inferences proceeding upon such a supposition would be entirely erroneous. The effective currency of the country depends upon the quickness of circulation, and the number of exchanges performed in a given time, as well as upon its numerical amount; and all the circumstances, which have a tendency to quicken or to retard the rate of circulation, render the same amount of currency more or less adequate to the wants of trade. A much smaller amount is required in a high state of public credit, than when alarms make individuals call in their advances, and provide against accidents by hoarding; and in a period of commercial security and private confidence, than when mutual distrust discourages pecuniary arrangements for any distant time. But, above all, the same amount of currency will be more or less adequate, in proportion to the skill which the great money-dealers possess in managing and economising the use of the circulating medium. Your Committee are of opinion, that the improvements which have taken place of late years in this country, and particularly in the district of London, with regard to the use and economy of money among bankers, and in the mode of adjusting commercial payments, must have had a much greater effect than has hitherto been ascribed to them, in rendering the same sum adequate to a much greater amount of trade and payments than formerly. Some of those improvements will be found detailed in the evidence: they consist principally in the increased use of bankers drafts in the common payments of London; the contrivance of bringing all such drafts daily to a common receptacle, where they are balanced against each other; the intermediate agency of bill-brokers; and several other changes in the practice of London bankers, are to the same effect, of rendering it unnecessary for them to keep so large a deposit of money as formerly. Within the London district, it would certainly appear, that a smaller sum of money is required than formerly, to perform the same number of exchanges and amount of payments, if the rate of prices had remained the same. It is material also to observe, that both the policy of the Bank of England itself, and the competition of the country bank paper, have tended to compress the paper of the Bank of England, more and more, within London and the adjacent district. All these circumstances must have co-operated to render a smaller augmentation of Bank of England paper necessary to supply the demands of our increased trade than might otherwise have been required; and shew how impossible it is, from the numerical amount alone of that paper, to pronounce whether it is excessive or not: a more sure criterion must be resorted to; and such a criterion, your Committee have already shewn, is only to be found in the state of the exchanges, and the price of Gold Bullion.

The particular circumstances of the two years which are so remarkable in the recent history of our circulation, 1793 and 1797, throw great light upon the principle which your Committee have last stated.

In the year 1793, the distress was occasioned by a failure of confidence in the country circulation, and a consequent pressure upon that of London. The Bank of England did not think it advisable to enlarge their issues to meet this increased demand, and their notes, previously issued, circulating less freely in consequence of the alarm that prevailed, proved insufficient for the necessary payments. In this crisis, parliament applied a remedy, very similar, in its effect, to an enlargement of the advances and issues of the Bank; a loan of exchequer bills was authorized to be made to as many mercantile persons, giving good security, as should apply for them; and the confidence which this measure diffused, as well as the increased means which it afforded of obtaining Bank notes through the sale of the exchequer bills, speedily relieved the distress both of London and of the country. Without offering an opinion upon the expediency of the particular mode in which this operation was effected, your Committee think it an important illustration of the principle, that an enlarged accommodation is the true remedy for that occasional failure of confidence in the country districts, to which our system of paper credit is unavoidably exposed.

The circumstances which occurred in the beginning of the year 1797, were very similar to those of 1793;—an alarm of invasion, a run upon the country Banks for gold, the failure of some of them, and a run upon the Bank of England, forming a crisis like that of 1793, for which perhaps, an effectual remedy might have been provided, if the Bank of England had had courage to extend instead of restricting its accommodations and issue of notes. Some few persons, it appears from the Report of the Secret Committee of the Lords, were of this opinion at the time; and the late governor and deputy governor of the Bank stated to your Committee, that they, and many of the directors, are now satisfied from the experience of the year 1797, that the diminution of their notes in that emergency increased the public distress: an opinion in the correctness of which your Committee entirely concur.

It appears to your Committee, that the experience of the Bank of England in the years 1793 and 1797, contrasted with the facts which have been stated in the present report, suggests a distinction most important to be kept in view, between that demand upon the Bank for gold for the supply of the domestic channels of circulation, sometimes a very great and sudden one, which is occasioned by a temporary failure of confidence, and that drain upon the Bank for gold which grows out of an unfavourable state of the foreign exchanges. The former, while the Bank maintains its high credit, seems likely to be best relieved by a judicious increase of accomodation to the country: the latter, so long as the Bank does not pay in specie, ought to suggest to the directors a question, whether their issues may not be already too abundant.

Your Committee have much satisfaction in thinking, that the directors are perfectly aware that they may err by a too scanty supply in a period of stagnant credit. And your Committee are clearly of opinion, that although it ought to be the general policy of the Bank directors to diminish their paper in the event of the long continuance of a high price of bullion and a very unfavourable exchange, yet it is essential to the commercial interests of this country, and to the general fulfilment of those mercantile engagements which a free issue of paper may have occasioned, that the accustomed degree of accommodation to the merchants should not be suddenly and materially reduced; and that if any general and serious difficulty or apprehension on this subject should arise, it may, in the judgment of your Committee, be counteracted without danger, and with advantage to the public, by a liberality in the issue of Bank of England paper proportioned to the urgency of the particular occasion. Under such circumstances, it belongs to the Bank to take likewise into their own consideration, how far it may be practicable, consistently with a due regard to the immediate interests of the public service, rather to reduce their paper by a gradual reduction of their advances to government, than by too suddenly abridging the discounts to the merchants.

2. Before your Committee proceed to detail what they have collected with respect to the amount of country Bank paper, they must observe, that so long as the cash payments of the Bank are suspended, the whole paper of the country bankers is a superstructure raised upon the foundation of the paper of the Bank of England. The same check, which the convertibility into specie, under a better system, provides against the excess of any part of the paper circulation, is, during the present system, provided against an excess of country Bank paper, by its convertibility into Bank of England paper. If an excess of paper be issued in a country district, while the London circulation does not exceed its due proportion, there will be a local rise of prices in that country district, but prices in London will remain as before. Those who have the country paper in their hands will prefer buying in London where things are cheaper, and will therefore return that country paper upon the banker who issued it, and will demand from him Bank of England notes or bills upon London; and thus, the excess of country paper being continually returned upon the issuers for Bank of England paper, the quantity of the latter necessarily and effectually limits the quantity of the former. This is illustrated by the account which has been already given of the excess, and subsequent limitation, of the paper of the Scotch Banks, about the year 1763. If the Bank of England paper itself should at any time, during the suspension of cash payments, be issued to excess, a corresponding excess may be issued of country Bank paper which will not be checked; the foundation being enlarged, the superstructure admits of a proportionate extension. And thus, under such a system, the excess of Bank of England paper will produce its effect upon prices not merely in the ratio of its own increase, but in a much higher proportion.

It has not been in the power of your Committee to obtain such information as might enable them to state, with any thing like accuracy, the amount of country Bank paper in circulation. But they are led to infer from all the evidence they have been able to procure on this subject, not only that a great number of new country Banks has been established within these last two years, but also that the amount of issues of those which are of an older standing has in general been very considerably increased: whilst on the other hand, the high state of mercantile and public credit, the proportionate facility of converting at short notice all public and commercial securities into Bank of England paper, joined to the preference generally given within the limits of its own circulation to the paper of a well-established country Bank over that of the Bank of England, have probably not rendered it necessary for them to keep any large permanent deposits of Bank of England paper in their hands. And it seems reasonable to believe, that the total amount of the unproductive stock of all the country Banks, consisting of specie and Bank of England paper, is much less at this period, under a circulation vastly increased in extent, than it was before the restriction of 1797. The temptation to establish country Banks, and issue promissory notes, has therefore greatly increased. Some conjecture as to the probable total amount of those issues, or at least as to their recent increase, may be formed, as your Committee conceive, from the amount of the duties paid for stamps on the reissuable notes of country Banks in Great Britain. The total amount of these duties for the year ended on the 10th of October 1808, appears to have been 60,522*l.* 15*s.* 3*d.* and for the year ended on the 10th of October 1809, 175,129*l.* 17*s.* 7*d.* It must, however, be observed, that on the 10th of October 1808, these duties experienced an augmentation somewhat exceeding one-third; and that some regulations were made, imposing limitations with respect to the reissue of all notes not exceeding 2*l.* 2*s.*, the effect of which has been to produce a much more than ordinary demand for stamps or notes of this denomination within the year 1809. Owing to this circumstance, it appears impossible to ascertain what may have been the real increase in the circulation of the notes, not exceeding 2*l.* 2*s.*, within the last year; but with respect to the notes of a higher value, no alteration having been made in the law as to their re-issue, the following comparison affords the best statement that can be collected from the documents before the Committee, of the addition made in the year 1809 to the number of those notes.

Number of Country Bank Notes exceeding 2*l.* 2*s.* each, stamped in the years ended the 10th of October 1808, and 10th of October 1809, respectively.

	1808. No.	1809. No.
Exceeding £.2 2, and not exceeding £.5 5	666,071	922,073
Exceeding £.5 5, and not exceeding £.20	198,473	380,006
Exceeding £.20, and not exceeding £.30		2,425
Exceeding £.30, and not exceeding £.50		674
Exceeding £.50, and not exceeding £.100		2,611

Assuming that the notes in the two first of these classes were all issued for the lowest denomination to which the duties respectively attach, and such as are most commonly met with in the circulation of country paper, viz. notes of 5*l.* and 10*l.* [although in the second class there is a considerable number of 20*l.*] and even omitting altogether from the comparison the notes of the three last classes, the issue of which your Committee understands is in fact confined to the chartered Banks of Scotland, the result would be, that, exclusive of any increase in the number of notes under 2*l.* 2*s.* the amount of country bank paper stamped in the year ended the 10th of October 1809, has exceeded that of the year ended on the 10th of October 1808, in the sum of 3,095,340*l.* Your Committtee can form no positive conjecture as to the amount of country bank paper cancelled and withdrawn from circulation in the course of the last year. But considering that it is the interest and practice of the country bankers to use the same notes as long as possible; that, as the law now stands, there is no limitation of time to the re-issuing of those not exceeding 2*l.* 2*s.*; and that all above that amount are re-issuable for three years from the date of their first issuing; it appears difficult to suppose that the amount of notes above 2*l.* 2*s.* cancelled in 1809, could be equal to the whole amount stamped in 1808: but even upon that supposition, there would still be an increase for 1809 in the notes of 5*l.* and 10*l.* alone, to the amount above specified of 3,095,340*l.*, to which must be added an increase within the same period of Bank of England notes to the amount of about 1,500,000*l.*, making in the year 1809, an addition in the whole of between four and five millions to the circulation of Great Britain alone, deducting only the gold which may have been withdrawn in the course of that year from actual circulation, which cannot have been very considerable, and also making an allowance for some increase in the amount of such country paper, as, though stamped may not be in actual circulation. This increase in the general paper currency in last year, even after these deductions, would probably be little short of the amount which in almost any one year, since the discovery of America, has been added to the circulating coin of the whole of Europe. Although, as your Committee has already had occasion to observe, no certain conclusion can be drawn from the numerical amount of paper in circulation, considered abstractedly from all other circumstances, either as to such paper being in excess, or still less as to the proportion of such excess; yet they must remark, that the fact of any very great and rapid increase in that amount, when coupled and attended with all the indications of a depreciated circulation, does afford the strongest confirmatory evidence, that, from the want of some adequate check, the issues of such paper have not been restrained within their proper limits.

Your Committee cannot quit this part of the subject without further observing, that the addition of between four and five millions sterling to the paper circulation of this country, has doubtless been made at a very small expence to the parties issuing it, only about 100,000 *l.* having been paid thereupon in stamps to the revenue, and probably for the reasons already stated, no corresponding deposits of gold or Bank of England notes being deemed by the country banks necessary to support their additional issues. These parties therefore, it may be fairly stated, have been enabled under the protection of the law, which virtually secures them against such demands, to create within the last year or 15 months, at a very trifling expence, and in a manner almost free from all present risk to their respective credits as dealers in paper money, issues of that article to the amount of several millions, operating, in the first instance and in their hands, as capital for their own benefit, and when used as such by them, falling into and in succession mixing itself with the mass of circulation of which the value in exchange for all other commodities is gradually lowered in proportion as that mass is augmented. If your Committee could be of opinion that the wisdom of parliament would not be directed to apply a proper remedy to a state of things so unnatural, and teeming, if not corrected in time, with ultimate consequences so prejudicial to the public welfare, they would not hesitate to declare an opinion, that some mode ought to be derived of enabling the state to participate much more largely in the profits accruing from the present system; but as this is by no means the policy they wish to recommend, they will conclude their observations on this part of the subject, by observing, that in proportion as they most fully agree with Dr. Adam Smith and all the most able writers and statesmen of this country, in considering a paper circulation constantly convertible into specie, as one of the greatest practical improvements which can be made in the political and domestic economy of any state; and in viewing the establishment of the country banks issuing such paper as a most valuable and essential branch of that improvement in this kingdom; in the same proportion, is your Committee anxious to revert, as speedily as possible, to the former practice and state of things in this respect: convinced on the one hand, that any thing like a permanent and systematic departure from that practice must ultimately lead to results, which among other attendant calamities, would be destructive of the system itself; and on the other, that such an event would be the more to be deprecated, as it is only in a country like this, where good faith, both public and private, is held so high, and where, under the happy union of liberty and law, property and the securities of every description by which it is represented, are equally protected against the encroachments of power and the violence of popular commotion, that the advantages of this system, unaccompanied with any of its dangers, can be permanently enjoyed, and carried to their fullest extent.

Upon a review of all the facts and reasonings which have been submitted to the consideration of your Committee in the course of their enquiry, they have formed an opinion, which they submit to the House:—That there is at present an excess in the paper circulation of this country, of which the most unequivocal symptom is the very high price of bullion, and next to that, the low state of the continental exchanges; that this excess is to be ascribed to the want of a sufficient check and control in the issues of paper from the bank of England; and originally, to the suspension of cash payments, which removed the natural and true control. For upon a general view of the subject, your Committee are of opinion, that no safe, certain, and constantly adequate provision against an excess of paper currency, either occasional or permanent, can be found, except in the convertibility of all such paper into specie. Your Committee cannot, therefore, but see reason to regret, that the suspension of cash payments, which, in the most favourable light in which it can be viewed, was only a temporary measure, has been continued so long; and particularly, that by the manner in which the present continuing act is framed, the character should have been given to it of a permanent war measure.

Your Committee conceive that it would be superfluous to point out, in detail, the disadvantages which must result to the country, from any such general excess of currency as lowers its relative value. The effect of such an augmentation of prices upon all money transactions for time; the unavoidable injury suffered by annuitants, and by creditors of every description, both private and public; the unintended advantage gained by government and all other debtors; are consequences too obvious to require proof, and too repugnant to justice to be left without remedy. By far the most important portion of this effect appears to your Committee to be that which is communicated to the wages of common country-labour, the rate of which, it is well known, adapts itself more slowly to the changes which happen in the value of money, than the price of any other species of labour or commodity. And it is enough for your Committee to allude to some classes of the public servants, whose pay, if once raised in consequence of a depreciation of money, cannot so conveniently be reduced again to its former rate, even after money shall have recovered its value. The future progress of these inconveniencies and evils, if not checked, must at no great distance of time, work a practical conviction upon the minds of all those who may still doubt their existence; but even if their progressive increase were less probable than it appears to your Committee, they cannot help expressing an opinion, that the integrity and honour of parliament are concerned, not to authorize, longer than is required by imperious necessity, the continuance in this great commercial country of a system of circulation, in which that natural check or controul is absent which maintains the value of money, and, by the permanency of that common standard of value, secures the substantial justice and faith of monied contracts and obligations between man and man.

Your Committee moreover beg leave to advert to the temptation to resort to a depreciation even of the value of the gold coin by an alteration of the standard, to which parliament itself might be subjected by a great and long continued excess of paper. This has been the resourse of many Governments under such circumstances, and is the obvious and most easy remedy to the evil in question. But it is unnecssary to dwell on the breach of public faith and dereliction of a primary duty of Government, which would manifestly be implied in preferring the reduction of the coin down to the standard of the paper, to the restoration of the paper to the legal standard of the coin.

Your Committee therefore, having very anxiously and deliberately considered this subject, report it to the House as their opinion, That the system of the circulating medium of this country ought to be brought back, with as much speed as is compatible with a wise and necessary caution, to the original principle of cash payments at the option of the holder of Bank paper.

Your Committee have understood that remedies, or palliatives, of a different nature, have been projected; such as, a compulsory limitation of the amount of Bank advances and discounts, during the continuance of the suspension; or, a compulsory limitation during the same period, of the rate of Bank profits and dividends, by carrying the surplus of profits above that rate to the public account. But, in the judgment of your Committee, such indirect schemes, for palliating the possible evils resulting from the suspension of cash payments, would prove wholly inadequate for that purpose, because the necessary proportion could never be adjusted, and if once fixed, might aggravate very much the inconveniencies of a temporary pressure; and even if their efficacy could be made to appear, they would be objectionable as a most hurtful and improper interference with the rights of commercial property.

According to the best judgment your Committee has been enabled to form, no sufficient remedy for the present, or security for the future, can be pointed out, except the repeal of the law which suspends the cash payments of the Bank of England.

In effecting so important a change, your Committee are of opinion that some difficulties must be encountered, and that there are some contingent dangers to the Bank, against which it ought most carefully and strongly to be guarded. But all those may be effectually provided for, by entrusting to the discretion of the Bank itself the charge of conducting and completing the operation, and by allowing to the Bank so ample a period of time for conducting it, as will be more than sufficient to effect its completion. To the discretion, experience, and integrity of the directors of the Bank, your Committee believe that parliament may safely entrust the charge of effecting that which parliament may in its wisdom determine upon as necessary to be effected; and that the directors of that great institution, far from making themselves a party with those who have a temporary interest in spreading alarm, will take a much longer view of the permanent interests of the Bank, as indissolubly blended with those of the public. The particular mode of gradually effecting the resumption of cash payments ought therefore, in the opinion of your Committee, to be left in a great measure to the discretion of the Bank, and parliament ought to do little more than to fix, definitively, the time at which cash payments are to become as before compulsory. The period allowed ought to be ample, in order that the Bank directors may feel their way, and that, having a constant watch upon the varying circumstances that ought to guide them, and availing themselves only of favourable circumstances, they may tread back their steps slowly, and may preserve both the course of their own affairs as a company, and that of public and commercial credit, not only safe but unembarrassed.

With this view, your Committee would suggest, that the restriction on cash payments cannot safely be removed at an earlier period than two years from the present time; but your Committee are of opinion, that early provision ought to be made by parliament for terminating, by the end of that period, the operation of the several statutes which have imposed and continued that restriction.

In suggesting this period of two years, your Committee have not over-looked the circumstance, that, as the law stands at present, the Bank would be compelled to pay in cash at the end of six months after the ratification of a definitive treaty of peace; so that if peace were to be concluded within that period, the recommendation of your Committee might seem to have the effect of postponing, instead of accelerating the resumption of payments. But your Committee are of opinion, that if peace were immediately to be ratified, in the present state of our circulation it would be most hazardous to compel the Bank to pay cash in six months, and would be found wholly impracticable. Indeed, the restoration of peace, by opening new fields of commercial enterprise, would multiply instead of abridging the demands upon the Bank for discount, and would render it pecliarly distressing to the commercial world if the Bank were suddenly and materially to restrict their issues. Your Committee are therefore of opinion, that even if peace should intervene, two years should be given to the Bank for resuming its payments; but that even if the war should be prolonged, cash payments should be resumed by the end of that period.

Your Committee have not been indifferent to the consideration of the possible occurence of political circumstances, which may be thought hereafter to furnish an argument in favour of some prolongation of the proposed period of resuming cash payments, or even in favour of a new law for their temporary restriction after the Bank shall have opened. They are, however, far from anticipating a necessity, even in any case, of returning to the present system. But if occasion for a new measure of restriction could be supposed at any time to arise, it can in no degree be grounded, as your Committee think, on any state of the foreign exchanges, (which they trust that they have abundantly shewn the Bank itself to have the general power of controlling,) but on a political state of things producing, or likely very soon to produce, an alarm at home, leading to so indefinite a demand for cash for domestic uses as it must be impossible for any Banking Establishment to provide against. A return to the ordinary system of banking is, on the very ground of the late extravagant fall of the exchanges and high price of gold, peculiarly requisite. That alone can effectually restore general confidence in the value of the circulating medium of the kingdom; and the serious expectation of this event must enforce a preparatory reduction of the quantity of paper, and all other measures which accord with the true principles of banking. The anticipation of the time when the Bank will be constrained to open, may also be expected to contribute to the improvement of the exchanges; whereas a postponement of this era, so indefinite as that of six months after the termination of the war, and especially in the event of an exchange continuing to fall, (which more and more would generally be perceived to arise from an excess of paper, and a consequent depreciation of it) may lead, under an unfavourable state of public affairs, to such a failure of confidence (and especially among foreigners) in the determination of parliament to enforce a return to the professed standard of the measure of payments, as may serve to precipitate the further fall of the exchanges, and lead to consequences at once the most discreditable and disastrous.

Although the details of the best mode of returning to cash payments ought to be left to the discretion of the Bank of England, as already stated, certain provisions would be necessary, under the authority of parliament, both for the convenience of the Bank itself, and for the security of the other banking establishments in this country and in Ireland.

Your Committee conceive it may be convenient for the Bank to be permitted to issue notes under the value of 5*l.* for some little time after it had resumed payments in specie.

It will be convenient also for the chartered Banks of Ireland and Scotland, and all the country Banks, that they should not be compelled to pay in specie until some time after the resumption of payments in cash by the Bank of England; but that they should continue for a short period upon their present footing, of being liable to pay their own notes on demand in Bank of England paper.

APPENDIX.

Minutes of Evidence taken before the Select Committee appointed to enquire into the cause of the high price of Gold Bullion, and to take into consideration the state of the Circulating Medium, and of the Exchanges between Great Britain and foreign parts.

February 22, 1810.

Francis Horner, Esq. in the Chair.

Aaron Asher Goldsmid, Esq. Partner in the House of Mocatta and Goldsmid, Bullion Brokers; called in, and examined.

What is the present price of gold?—4*l.* 10*s.* standard gold; foreign gold coin is comparatively higher.

On what account?—Being more saleable in foreign countries, on account of its being more portable.

Do you mean it is higher in proportion to its intrinsic value?—Yes.

On what account?—Being more saleable in the state of coin on the continent, and of there being more markets for gold in coin than in bars.

What is the difference between the price of gold in foreign coin and gold in bars?—The present difference between Spanish and Portugal gold in coin and gold in bars is about 2*s.* per oz.; it varies considerably with the demands of the different markets, but generally the price of foreign gold coin is higher than bar gold; that is to say, doubloons being now 4*l.* 8*s.* per oz. and Portugal gold 4*l.* 12*s.*, gold in bars would be worth 4*l.* 12*s.* whereas the present price is 4*l.* 10*s.* per oz. Portugal gold is about the same fineness as our standard.

What is the fineness of Spanish gold coin?—From 4½ to 4¾ grains worse than standard, making about 4*s.* difference in value.

What is the difference between any other foreign gold coin and gold in bar?—Those two being the most current articles, it would be best to have them as the criterion.

What is the fineness of ducats and French gold coin?—Dutch ducats better 6 grains, louis d'ors worse 1½ grain, and napoleons the same.

In what degree are these current articles of traffic?—Perhaps louis d'ors and napoleon d'ors are the most current of the three; neither frederick d'ors nor Dutch ducats are much seen.

State the difference between the value of these articles in the shape of coin, and bullion of the same fineness.—They have at present no extrinsic value as coin.

What do you conceive to be the reason why Spanish and Portugal coin is higher than bar gold at present, and not French and Dutch coin?—There is a greater variety of markets in the present circumstances for Spanish and Portugal coin than for French and Dutch.

How long has the price of bullion or foreign gold coin been what you have stated?—The prices fluctuated considerably in the course of last year, but have been unusually high for about a year and half.

How much have they fluctuated?—I think about 6 or 7*s.*; never above 1 or 2*s.* higher than they are at present.

Can you state what tables are the most perfect in your judgment?—Those published by Wettenhall are likely to be correct; they are made from our reports to the person who furnishes him with the prices.

Is that price derived by Wettenhall from the information of others, or only from your reports to him?—From ours alone.

Are those prices always real prices taken from actual transactions, or are they ever only nominal?—Always the real prices.

In what manner do you form a statement of the price?—There is never but one price for gold and silver bullion.

Can you always buy and sell at the prices, or nearly so, which you report?

—When there is not enough done to constitute a market, no prices are printed; as will frequently be seen in the list.

What amount of sales constitute a market for that purpose?—No precise quantity, but always a quantity of some consideration.

How often are these lists published?—On Tuesdays and Fridays.

Have not you, in various instances, found that you could neither buy nor sell at the prices quoted by you in the lists?—Enough was always doing at the time of their being printed, or previously to that, to constitute a market.

Have the prices been marked latterly?—The price of dollars have, and very lately the prices of dollars and doubloons.

Has the price of gold in bar been quoted lately?—I am not certain.

Why has it not?—Because the transactions in bar gold can only be made at stated times. It is necessary, previously to the permission from Government to export gold in bars, that the proprietors should swear, before the court of aldermen, that it is melted from foreign coin; and it is consequently only at the period of that court's assembling that any considerable quantity of bar gold can be bought or sold.

Is not the court of aldermen open every week at least for that purpose?—The time of its meeting in sufficient numbers is, I believe, uncertain.

Is that the only reason why the price of gold in bars has not been quoted latterly in the list?—Yes.

During the period that the price of gold in bars has not been quoted latterly, has there or not been enough to constitute a market?—I should think not.

In how long a period?—About 5 weeks or longer; but if the prices of any description of gold were quoted, it nearly answers the same purpose as if the prices of other descriptions of gold were quoted.

Has there been during the same period gold enough in the market to answer the demand?—We endeavour to regulate the price so as to proportion the demand to the supply.

Have the sales of gold been for some time past considerable?—Yes, certainly.

Can you specify the extent for the last 15 months?—I cannot from memory.

Can you furnish that information by referring to the account of sales?—Such information can be procured from the books of the bullion office in the bank; all our sales are through the medium of that office.

Have you not frequently transactions both of purchase and sale with the individuals, in which the Bank is not concerned?—There are many transactions in which the Bank is not concerned; but they are all inserted in a book in the bullion office.

For what reason are they so inserted?—I believe that they have been so since the establishment of the Bank.

Was it in order that the Bank might be apprized of the transactions, and regulate their proceedings accordingly?—Possibly.

State in detail the mode in which such a transaction is made with an individual.—The bullion is received from one individual and delivered to another at the price fixed by us; and the whole of the transaction is recorded in the books of the bullion office in the Bank, with the names of the parties, the amount sold, and the price.

Is not every quantity of bar gold, which by your intervention passes from one individual to another, deposited for some time in the Bank, and assayed there?—Yes.

Have you not, in certain cases, bought and sold gold without the intervention of the bullion office in the Bank at all?—None.

Can you state about what quantity of gold you have bought and sold for the last 15 months, and particularly during the latter part of them?—I cannot from memory; I could state it to the Committee from my books, or it might be obtained by reference to the bullion office in the bank.

During that period has the quantity been greater than usual?—Yes; during the last 15 months, greater than on an average of years, though some years ago a much greater quantity was imported than has lately been exported.

Have your sales during the period in question, been confined to individuals, or has the Bank been a purchaser?—Individuals have been the purchasers of large quantities of gold at the present high price.

Are there any other brokers in the same line besides your house?—Our house has been solely employed since the year 1694, at the establishment of the Bank.

Are there any other dealers in gold but yours?—I apprehend none of considerable amount.

Are there others recorded in the Bullion Office in the bank like yours?—None.

What is the rate of brokerage?—One eighth per cent. to each party.

If the other transactions in the sale of gold were considerable, do you consider that the Bank could procure information of those in order to regulate their proceedings in the manner spoken of in a former answer?—They are not considerable; but what the Bank would do in case they were considerable I cannot tell.

Do those other transactions contribute to form the price? I think not at all.

From whom in general do you receive the gold which you sell?—I think that during the last year the chief imports have been from the West Indies, principally in doubloons.

Do you receive them from the West-India merchants?—Yes.

Are they not principally Jamaica merchants?—Yes.

From what other quarters have you received any material quantity of gold in the last 15 months?—From bullion retail dealers in this country, who collect them in small quantities and sell them to us in the wholesale.

Has much been received from the continent of Europe?—I believe none: I judge so by no continental merchants being sellers to us.

Within the period in question what quantity of gold coin from European Mints have you received?—I cannot distinguish, the marks of many coins being the same.

Can you account for the large importation of gold coin from the West Indies?—In consequence of the price of gold being so high here, it is more advantageous to make the return in bullion than in bills.

Can you state the whole charge of transmitting gold bullion from Jamaica here, including freight, insurance, &c.?—Not accurately.

Has there been any importation of gold from the United States of America within the period of 15 months we have been speaking of?—I believe none.

In saying that no gold has come from the continent of Europe, do you mean to say none has come from Portugal or Spain?—I omitted to mention that some French gold and Portugal gold has been imported from Portugal.

Was that to any considerable amount?—I think comparatively not.

Has any quantity come from the Brazils?—Gold has lately been sent over to the Brazils.

Has not silver also been sent over?—Yes.

Was not the Brazils some years ago a considerable source from whence we derived our gold?—It was not directly but through Lisbon.

What is the cause of this change?—The balance of trade being inverted.

Is there no other cause of this change but the balance of trade having been inverted?—I judge not.

Supposing a loan to be made here for the court of Brazil, and that loan was remitted to the Brazils, would it not produce the effect to which you before alluded?—If remitted in gold, it would remedy the balance to the amount of the sum sent.

Do you know whether in point of fact gold has been remitted from this country to the Brazils on account of a loan?—When I said the balance of trade was inverted, I spoke of the general balance, unable to distinguish between the operations of government and the transactions of individuals.

How long is it since the change first took place of gold being sent from this country to the Brazils, instead of our receiving it from thence?—I cannot state accurately; but I do not believe that the operation of the Brazilian merchants have had any very important effect upon the price of gold: I will endeavour to ascertain for the information of the Committee the date of that change.

Are you in the habit of selling bullion which has been melted down from the light coin of this country?—We have not sold any such lately; and we never sell any gold in bars for exportation, unless melted in the presence of two witnesses, and sworn off before the court of aldermen.

What becomes of the bar gold produced from the light coin?—I am not aware of any being melted at present.

In the answer before the last, do you mean to say, that what is imported in bars is also melted down in this country?—Almost always, if purchasers are not contented with the manner of melting in foreign countries.

Do you get gold from Africa?—Not in considerable quantities: I beg to state in general that we cannot ascertain always from what source the gold comes, as the bullion dealers collect it in small quantities before they bring it to us.

Have you reason to know whether any

light guineas are melted down?—No; but an account of the source of the gold in bars, might be obtained of the bank melters.

Does the bank still refuse light guineas?—I believe they do.

Does that refusal throw more gold into the bullion market?—I don't think lately it has had any material effect.

Do you consider your house as having a considerable control over the bullion market, so as to fix the price? Not so as to raise or depress it above or below its natural level.

Are there any other gold melters, besides those who melt for the Bank?—There are.

Within the period of fifteen months which has been spoken of, has any bar gold been in the market?—Yes.

From what source was that derived; was it from coin of this country or foreign coin?—From foreign coin and gold in bars and dust imported from other countries.

If gold in the shape of foreign coin is of more value than according to its intrinsic value, what is the reason of any being melted into bars?—Because foreign gold coin is frequently imported here when it is not fit for circulation; and frequently small quantities of different descriptions, to which my former observations are not applicable.

At the present price of bullion, how much must be paid in Bank of England notes for a bar of gold in weight and fineness equal to 100 guineas sterling?—No distinction is taken whether the payment is made in bank notes or coin; in sterling money the calculation is easily made; in the proportion of 3*l.* 17*s.* 10½*d* to 4*l.* 10*s.*

Do you apprehend that the political state of Spain and Portugal has contributed towards bringing South American gold to England through the West India islands?—I think it not improbable.

Do you or any of your partners deal in the articles you sell?—Certainly not.

February 23, 1810.

FRANCIS HORNER, Esq. in the Chair.

AARON ASHER GOLDSMID, Esq. again called in and examined.

You have stated yesterday, that Spanish and Portugal coin have at present an extrinsic value as coin, but that the same is not true at present of French or Dutch gold coin: If it be true that gold remittances are now made to France for the purchase of corn, from what cause does it arise that a similar agio upon French gold coin does not exist?—Perhaps from the market being more limited, and the competition being consequently less.

But even upon the supposition that no competition existed, ought not a premium upon French gold, equal at least to the expence of the coinage, to exist?—I should think so.

But at this moment no such agio does exist?—No.

Explain what you mean by the competition being less.—When there have lately been transactions in French gold, they have generally been less than the occasional transactions in gold, in bars, and consequently the competition of merchants who have extensive dealings has been less; transactions in large quantities have frequently, under the present circumstances, more the effect of raising than of depressing the price.

State to what description of persons your sales of gold are generally made.—Latterly the most considerable sales of gold have been made to Dutch and French merchants.

Do you mean both of gold in bars and gold in coin?—Of all descriptions of gold.

Can you state whether these purchases have been made by them, and with a view to exportation?—Yes; they have been made with a view to export.

Have you reason to know that all or nearly all the gold so sold to them has been exported?—Yes.

What quantity of gold have you sold for home consumption?—A very inconsiderable quantity of gold in proportion to the whole amount.

Can you state what proportion?—I cannot precisely; but it is very inconsiderable.

What proportion does it bear to gold sold for home consumption in former years?—Perhaps about the same.

Is the gold which is sold for home consumption sold to those who themselves make use of it?—Yes; or those who sell it by retail to others.

Is it seldom or never the practice to purchase gold as a speculation, and retain it with a view to be sold at home at a higher price?—Seldom or never.

Is it all sold for ready money?—Yes.

Are you acquainted with the means which are taken for the exportation of gold to foreign countries?—No.

Do you comprehend that it goes in large quantities as an article of merchandize, or in small sums?—I think the merchants find it necessary to use great caution to procure its ingress to the continent.

Are the sales of gold which you make, generally made in large quantities to individuals?—There are several individuals who purchase.

What may be the common amount of a sale to an individual?—The amount varies considerably.

State the larger and smaller.—Perhaps from a hundred ounces to five thousand ounces.

Could you state the quantity sold in the last month?—I cannot; but I do not think the sales have been so considerable as they were a few months ago.

State the largest for any month recently, as near as you can recollect.—Perhaps 30 or 40,000, or perhaps 50,000*l.* sterling or more in a month; perhaps 80,000*l.* or more in one month.

What month are you particularly alluding to?—Perhaps 4, 5 or 6 months ago, and therefore I speak so vaguely upon the subject: the price of gold began to advance rapidly since the last eighteen months.

Do you know of your own knowledge, or from any unquestionable authority, what may be the expence, including insurance, of transporting gold to any neighbouring ports of the continent?—I do not know precisely; but I do not believe that they considerably exceed the expences of former times.

Do you mean the expences of former times of peace or of war?—Of former times of war.

Can you state what is the difference between war and peace in that respect, how much per cent.?—I cannot.

You do not know the rate of insurance?—I believe it is about three guineas.

Is that the whole expence, excepting freight?—I know of no other expence.

Do you know what the freight is?—I do not; I believe there is no specific freight.

Can you state whether the consumers of gold obtain that article in considerable quantities from any other sources than your own sales?—I cannot with any degree of certainty.

Do you know in what manner the goldsmiths in the country are supplied?—I believe from the refiners in town, but I am not certain.

Can you state at all what proportion of the gold you sell may be for home consumption?—I cannot.

Is it less than a tenth?—It is less than a twentieth, but I cannot state precisely the amount.

Is not all the gold produced by melting the light coin used up by the refiners?—It cannot be exported.

Are you not subject to some deception in that respect; may not it be melted and offered to you?—I have stated, that previously to its being exported it is to be sworn off before the court of aldermen that it has been melted from foreign coin or foreign gold in bars.

Are the merchants to whom you sell, merchants particularly devoted to that trade?—There are no merchants solely devoted to the bullion trade.

Are there not some who follow that trade much more than others?—Yes.

Have they been accustomed long to follow that particular trade, or has the trade fallen into new hands?—It has fallen into several new hands.

What description of new hands; persons of greater or less consequence?—Generally speaking, persons of about the same standing.

Equally old houses?—Yes; persons of about the same standing and credit, generally speaking.

Are they both import and export merchants?—I believe they are.

Can you state any particular articles in return for which gold has been sent abroad?—One particular object came under my observation, which was, the importation of corn from France and Flanders; but I have no doubt that there were many other objects.

Do you understand that when gold is sent abroad, it generally accompanies any other particular articles of export, or generally brings back any articles of import more preferable to others?—No, I believe it does not.

You have stated, that the expence of introducing gold now to the continent you think to be nearly the same as during any other period of war?—I do not believe I have stated the expence of introducing it to the continent, for of that I am not aware.

When you stated the expence of transporting gold to the continent being not much more at present than in former times, did you mean to include the whole expence of getting it into the continent and delivering it to a foreign consignee?—No, I am not acquainted with the amount of that expence; what I stated before was only the expence of carrying it to the foreign shore.

Are you aware that it is liable to confiscation, as a commodity coming from England?—I believe that all commodities coming from England, are liable to confiscation.

Can you then estimate the value of such a risk?—I do not believe that in an article like gold it is by any means considerable; for I believe that at a trifling premium it can be insured into the hands of the consignee.

Do you know the amount of that premium?—I do not; but I have understood it to be inconsiderable.

Could you procure an insurance to be effected, for example, from London to Hamburgh or from London to Amsterdam, including the risk of safe delivery into the hands of the consignee, at 10 guineas per cent.?—I do not know the precise amount of the premium, but I have no doubt it could be done for very considerably less.

Can you state what the premium upon such a risk would be?—I cannot state precisely.

Can you state the freight?—I cannot; when I say that the insurance would probably not exceed three per cent. I am only speaking under present circumstances; that since the report of the incorporation of Holland, the risk is probably considered as increased.

You have stated, that it has come to your knowledge that gold has been sent to Flanders and to France for the purpose of purchasing corn?—Yes, it has.

What means have you had to obtain that information?—By the information of some of the purchasers of bullion.

Is it a common practice for the purchasers of bullion to inform you for what purpose it is to be applied?—I do not speak of the common practice, but I state this as one particular instance.

Are the Committee to understand that you in this respect speak only of a particular instance?—I speak of some reasons for the exportation of bullion having come to my knowledge on this occasion, which may not always be the case.

You have stated, that it has come within your knowledge that gold has been sent to France and to Flanders in payment of grain; has it come within your knowledge that gold has been sent to any other parts of the continent of Europe?—To several other parts of the continent; to Holland particularly, and some small part to Spain; perhaps to Hamburgh.

Whether you can form an opinion of the proportions of the gold which has been sent to the places on the continent that you have mentioned?—I think that Holland is the place to which by far the greatest quantity of gold has been sent.

What proportion does that bear to the gold which has been sent to France?—I cannot state the precise proportion, but I think that considerably more gold has been sent to Holland than to France.

Was it double the quantity?—I cannot specify.

Can you mention the proportions of gold which have been sent to Amsterdam and to Hamburgh?—No, I cannot; the same merchants frequently trading to both places, it is not in my power accurately to ascertain.

Whether you believe that any part of the gold which has been sent to Holland and to France, has been sent in payment for any articles brought into this country from places in the Baltic?—I do not know.

Do you know whether any gold has been sent to Denmark, to Prussia, or to Russia?—I do not, but I think that the greatest mart for gold on the continent, as I said before, is Holland.

Do you know that there was any extra demand for gold in consequence of the Expedition to Walcheren?—I do not think that there was, as far as my recollection serves.

Have you any opinion of the quantity of gold which was taken out of the country, in consequence of the Expedition to Walcheren?—I do not think that it was considerable.

Do you know the value of the grain that has been imported of late from France into this country?—I do not.

Whether the amount of gold sent to France in payment for grain was very considerable, as far as comes within your own knowledge?—I do not know.

Have you any reason to know whether any considerable quantity of the coin of this country may have been melted for the purposes of exportation?—I know nothing of the kind.

Or have been exported?—I know nothing of it, except from reports in the newspapers.

You have said, there are a variety of new markets for gold; since what time?—I said not new markets, but new purchasers.

Do not you conceive that gold of a value greater than 500,000*l.* has been exported within the course of the last 12 months?—I cannot speak precisely with respect to amounts, but I think it has exceeded that.

Do not you conceive that the export of gold exceeded a million of money in value during the last 12 months?—I do not think so.

Have you at any time drawn a calculation between the quantity which has been imported and received by you as imported, and the quantity exported by you within the last 12 months?—I have not.

Could you in as far as you are able to ascertain the sources of the gold which you receive, and the application of the gold which you sell, be enabled to form such a comparison?—Much time might be occupied in the attempt, and I am not certain whether it could be done with any degree of accuracy.

Do you conceive that the quantity of gold exported does considerably exceed that which has been imported in the last 12 months?—I should not conjecture that it does, it is really impossible to say; it does not always come immediately into our possession from the person who imported it.

Has the quantity of gold sent to Spain been considerable?—I think not.

Has there been any sent up the Mediterranean?—Not in considerable quantities.

Or to the East Indies?—No.

You have stated, that you know circumstances of gold having been sent to France and Flanders for the purchase of grain; do you know of any circumstances where gold exported has been exclusively so applied?—I cannot say that it has been exclusively so.

Do you know of any case in which it has in any degree been applied to the purchase of grain?—I cannot speak to the amount.

Does it happen to be in the course of your experience, to know in general for what purposes gold is to be applied which passes through your hands?—I only spoke of particular instances.

Then you do not mean to state that it is the practice to send gold to the continent for the purchase of any specific commodities?—Certainly I do not.

Do you know if, during the last two years, the exports of gold have exceeded the imports in a greater proportion than in former years?—I cannot say; it is impossible for me to form an estimate of the imports.

You have said, it is necessary to take great precaution to procure the ingress of gold into the continent?—I said, I believe, that some precautions are necessary.

Is there any other difficulty than that arising from the decrees of Buonaparté?—I should suppose those decrees to constitute the difficulty.

As it is not the usual practice for persons buying gold to inform you as to the purposes to which that gold will be applied, do you infer from such information having been given you on a recent occasion as to the purchase of grain, that the purchase of grain must have been to an unusual amount?—I see no reason to draw that conclusion.

From what you have stated about the exportation of specie to the continent for corn, I understand you to have confined yourself to gold?—I have.

From what data is it that you have been led to observe this exportation of gold for corn?—I have not stated that the case was generally so; I have only spoke of one or two instances that came under my observation.

How late are those?—I think about 3 or 4 months ago.

Were those instances numerous enough to induce you to believe that there was any considerable exportation of gold for the purchase of corn?—The instances that came under my observation were not sufficiently numerous.

Within your experience, do you remember any former period at which your attention was called to a similar circumstance, of gold being exported for corn?—No, I do not.

Were those persons from whom you received information that the gold they purchased from you was to be sent out for corn, dealers in corn?—In one instance they were.

Can you form any guess, what proportion the corn imported lately, bore to the other commodities for which gold was exported?—I cannot.

Do you know whether any gold was sent to Holland for corn?—I have already said I do not know the purposes for which gold was sent to Holland.

You have stated, that all descriptions of gold had been bought from you with a view to exportation, and that almost all the gold that you have sold lately was to be exported?—Yes.

How much of that gold do you conceive to have been of the description of foreign gold, or of gold from the coin of this country?—We are careful not to sell any gold for exportation which is not either in foreign coin or in bars, sworn off before the court of aldermen, as I have already stated.

Do you know whether it is the exporter himself who swears to the description of gold before the court of aldermen?—It is the seller.

Is it part of his affidavit that he is the owner?—Yes, it is.

As far as you know from your own transactions, is the exportation of gold in few hands, or divided among many?—It certainly is not divided into so many hands as the market for silver bullion.

Can you state nearly the number of the class of persons who have dealings of that sort with you?—There are perhaps from 10 to 20 merchants who have lately been chiefly exporters; about 20.

As far as you know, is it generally the same persons that purchase from you who export, or are there any middle dealers between you and the exporters?—We sell directly to persons who export.

Have you any knowledge of the quantity of gold, purchased through your means, that goes into the country or to the outports?—I have not.

Can you state any information or opinion to the Committee, of the probable amount of the illicit exportation of gold?—I have no means whatever.

Have you any knowledge of instances of gold being seized when about to be exported?—I believe that there was one instance of gold being about to be exported without a regular licence, but whether the objection was in form or an endeavour to evade it altogether, I don't know.

Was that to any considerable amount?—I believe it was to some considerable amount.

Can you give the Committee any information as to what amount of gold may have been carried out of this country by the masters of neutral and other foreign ships?—I have no means of knowing the ships by which it is conveyed.

Do you happen to know whether any of those who purchase gold from you, supply the masters of such vessels?—I do not.

Do you know whether there has been any export of gold to other parts of America, north or south, than to the Brazils?—I do not; I do not believe that there has.

Do you know any instance of gold having been seized, on its arrival in France or Holland?—I do not; I believe it is on account of its greater facility of access that gold is preferred as an article of export.

Do you know of any gold having been exported to the Brazils?—It has been frequently bought by merchants trading to the Brazils, for the purpose of exporting to the Brazils.

Can you put the Committee in possession of any information with regard to the quantity of gold which formerly was sent from the Brazils to Portugal?—No; but considerable quantities were formerly sent from Lisbon to this country, and I suppose, as I said yesterday, that they came from the Brazils.

Are you able to state about what quantity annually used to come from Lisbon to this country?—I cannot.

Had you ever had any information from the Brazil merchants, that they bought it, to send to the Brazils?—Yes, repeatedly.

Have you remarked, that as the quantity of bank notes has increased, gold has got proportionably dearer?—Not perceiving that the increase or decrease of bank notes has any connexion with, or influence upon, the price of gold, we have paid no attention to that subject.

You have stated, that an unfavourable exchange takes money out of the country at present?—Yes; and that there are other circumstances.

You have already stated the difference between gold which is our standard, and bank paper, to be as between 3*l.* 17*s.* 10½*d.* to 4*l.* 10*s.* or nearly 16 per cent.: if a person therefore at Hamburgh sends over a bill for a hundred guineas, how is it paid?—I stated that the difference between the market and the Mint price was about 16 per cent. but I did not make any distinction between Bank paper and the coin; the bill can be paid either by the exportation of gold and silver or other commodities, or the purchase of a bill here.

The simple question I ask is this; if I take a bill from Hamburgh, drawn upon London for a hundred guineas, in what does the acceptor pay me?—It is in his power to pay either in coin or in Bank notes, or in any other commodity which you conceive to be of an adequate value.

In point of fact what can I demand of him?—I suppose that Bank notes are a legal tender.

This being paid in paper, what must I do to get gold for the further traffic of my correspondent?—If it is your design to export gold, you certainly must purchase it either in foreign coin or in gold in bars melted from foreign coin, or foreign bars of gold.

If with a hundred English guineas at Hamburgh you wish to purchase a bill upon London, what sterling amount would you consider yourself entitled to have that bill for at present?—It is necessary to calculate the rate of exchange between this country and Hamburgh before I can answer that question.

If then, in the first instance, he could receive gold, would he not give 16 per cent. more in exchange?—He certainly would if he could receive gold with the liberty to export it.

So that if Bank paper and gold exchanged even, the currency to the foreigner would be 16 per cent. better, would it not?—If a person were at liberty to export English gold, he certainly would get 16 per cent. more than if he exported foreign gold.

February 24, 1810.

Francis Horner, Esq. in the Chair.

Samuel Thomas Binns, Esq. called in, and examined.

What are you?—I belong to the house of William and Jacob Wood, successors to Messrs. Binns and Wood; I am not a partner in the house, but manage the concerns of it for the representatives of William and Jacob Wood.

What is the particular line of dealings of that house?—In all kinds of bullion.

Do you deal in the import and export of bullion?—We do not export bullion, nor import it.

Describe generally the particular nature of your trade.—People bring bullion to our house for sale, and some come to buy; when we have any quantity of foreign coin we apply to the brokers, who sell it for us.

You purchase foreign coin and bullion on your own account, to sell to those who come to you to purchase, but are not merely intermediate brokers between the purchaser and seller?—No.

Are the sales of the house considerable in the course of a year?—Not very considerable.

Does the business of the house make you acquainted in any considerable degree with the general state of the bullion trade?—No; full weight coins we sell as we receive, but light coin we melt into bars.

Do you speak of foreign coins only?—At present.

How do you fix the price at which you buy?—There is always a market price for coins of every description.

How do you judge what is the market price?—We enquire of the brokers.

What brokers?—Mocatta and Goldsmid.

It is their judgment alone you take as to the price?—Their price is what we sell at; their price rules our price completely.

Do you buy British coin?—Light coins; a few, not many.

Are there many other persons in the same line with yourself?—There are several others I believe, but I am not acquainted with them.

Have you bought any British coins lately?—Some few, not many.

Do you know of any full weight British coin having been sold lately?—No.

From whom do you usually buy gold?—When any person brings gold to our house we buy it, but we know not of whom.

Do you mean, that they are strangers who bring it?—In general.

Do they bring it in bars, or in foreign coin?—In general in coin, some few bars.

Is it very much the same persons who come to you with foreign coins and bars to sell?—There are many persons who come, who we know not from one time to another.

How is it ascertained by you, that that which is brought in bars has not been melted from English coin?—I know not any means of ascertaining it.

Do you know most of the persons who bring gold of that description?—We do not.

To whom do you sell that gold?—To various persons.

Do you know the buyers?—Yes.

Do you always know the buyers?—Their persons, but not their names at all times.

Nor their residences?—No.

What descriptions of persons are they

in general; merchants?—Button-makers and china-dealers or persons employed in gilding china, and jewellers.

You suppose that gold to be used in home manufacture?—Yes.

Those are the chief purchasers from you?—Yes, they are.

Do you assay the gold which is brought to you?—Yes.

You always assay it yourself?—Yes, any quantity.

Is it by assaying you know from what it is produced?—No, we cannot tell from what it is produced.

Have you no means of judging from what a gold bar brought to you has been produced?—I have not; I should observe, I have been something short of fifteen months in the business, and am not very well acquainted with it.

Is there any person in the house more acquainted with it than yourself?—No, there is only a lad of fifteen years of age.

Do you know the price of gold in the standard bar now?—I believe the last price of standard gold is 90*s*. per ounce.

The price of Portugal coin?—Ninety-two shillings per ounce. Gold for exportation commands a higher price than that which cannot be sworn off.

How much higher?—That is uncertain, it depends upon the state of the market, what quantity there is.

What is the difference at present?—As nearly as I can tell, about 3*s*. an ounce.

When you speak of 90*s*. as the present price, you speak of the price as that of gold which cannot be sworn off?—That can be sworn off.

Do you speak of that as gold in bars?—Gold in bars is the only gold that is standard gold, except I believe Portugal; and that gold, I should observe, is not always standard, but the price is always spoken of as the standard ounce.

How do you distinguish gold in bar that may be sworn off, from gold that may not?—By melting it from coins.

If gold is brought to you in the shape of bar, how do you judge whether it may be sworn off or not?—Unless it is foreign bars we cannot tell; there are some few bars come from Portugal, and some few from the East Indies.

If bars of gold are brought to you which you cannot say are foreign bars, and which are standard; may they or may they not be sworn off?—They cannot be sworn off, unless we know that they are actually produced from foreign gold.

Do you give the same for light guineas which you do for other standard gold?—I make a difference of about three-pence an ounce less for light guineas than for bars.

For bars that can be sworn off?—No, for home consumption.

Supposing the price at present to be 90*s*. what should you suppose the price in proportion for light guineas?—To-day I should give about 85*s*. 6*d*. per ounce, perhaps 85*s*. 9*d*.

What is the reason for that difference of 3 pence?—The expence of melting.

What per ounce would you give to-day for standard gold that may be exported?—Under the uncertainty of time when it may be exported, I cannot take upon me to say what I would give.

What is the last market price for gold that may be exported?—Ninety shillings, I believe.

What is the last market price of gold in bar that may not be exported?—About 86*s*.

What was the last price you gave for light guineas?—To the best of my recollection about 85*s*. 9*d*.

Have you made any large purchase or sales at those prices?—No.

Is the price rising or falling?—I believe it to be pretty steady.

Since when?—I do not know of any alteration within the last two or three weeks.

Has it been higher within the last six months?—I believe not.

Have you any means of judging whether it is likely to rise or fall?—No, I have not.

Has it been higher within this twelvemonth?—I believe not.

Has it not been 4*l*. 12*s*. within the last twelve or fifteen months?—Not to my knowledge.

Are your dealings in gold to any considerable amount in the course of the year?—Not very considerable; chiefly in foreign coins.

Have you had any means of informing yourself whether there has been any remarkable export or import within the last year?—I have not.

Your house does not act for the Bank in any way?—No, it does not.

Is there any entry made at any office at the Bank of any dealings you have in gold or silver?—All gold or silver sold by the brokers is entered at the Bank.

Are your dealings through the intervention of a broker?—In general; not always.

Is there any other foreign broker, except Mr. Goldsmid?—I believe not.

In what part of your dealings do you employ a broker?—When we sell, we buy without a broker.

You buy in small quantities, and sell in large?—Yes.

What class of people bring light guineas to you, the shopkeepers, or the banker, or the country bankers, or what class of people?—I cannot say.

Do they come to you, or you go to them?—They come to me.

You weigh the light guineas brought to you?—Yes.

How much are they deficient?—Some half a grain or a grain; some are deficient six grains: when we weigh light guineas, we do not attend to how much they want, but to ascertain whether they are current or not; then we weigh them all together.

Does not a practice prevail either of sweating down heavy guineas, or doing something to them to make them light, to bring them within the weight to admit of their being melted down?—Not to my knowledge.

You do not know of such a thing being done?—No.

What is the expense of melting down?—Very inconsiderable.

Is the process very easy?—Yes, I believe it is.

What is the expense of providing the means of melting them down?—With that I am not acquainted; a place is obliged to be built on purpose.

Would the heat of a common fire melt them down?—No, I believe not.

Is not the coin which you melt down as light gold, sold to the goldsmiths, and employed in articles of manufacture?—Yes.

About what amount of light guineas have you bought within the course of the last year?—I should imagine from 1,000 to 2,000 guineas.

During the whole course of the last year?—Yes.

Which have been melted?—Yes, they have.

Are there any other dealers in the same line with your house?—There are several other houses in the same line.

How many?—I do not know.

Do you know of any persons who make it their business to collect light guineas, to bring them to you or to other dealers in the same way?—No.

In what sums are light guineas brought to you?—In small sums.

Of one or two guineas, or how much more?—Perhaps ten or fifteen.

What class of persons generally bring light guineas to you?—I do not enquire who people are.

You never take them from persons you do not know?—I have taken them from persons I never saw before.

Generally speaking, who are the persons who come to you with light guineas?—I do not know.

Are they in your opinion persons who wish to make more money of them than twenty one shillings?—Not to my knowledge; I do not know their intention.

In point of fact, they do make more?—Yes, they do.

The average you give for a guinea is about twenty three shillings, is it not?—No, I believe not quite so much.

Is there any fixed price you give for a single guinea?—It is according to the weight.

Supposing it to be just under the weight, have you any regulated price?—No, we calculate by the weight.

Does not a light guinea when offered to you, produce more to the person offering it than a guinea in paper?—Yes, it does.

Are the small gold coins brought to you in the same way?—No.

No half-guineas?—No.

Have you had any recent instance of purchasing a light guinea for less than twenty one shillings?—I do not recollect any.

What do dealers in your line consider as a fair difference between their purchases and their sales?—From a half to one per cent. according to the state of the market.

Is your bullion coin deposited in your own warehouse, or at the Bank?—In our own warehouse.

Can you state what may be the average weight of a certain quantity of our gold coin; say five hundred guineas, such as that coin is which is in common circulation?— [The answer was postponed.]

The only guineas you have had an opportunity of weighing are those which are so light that they are unfit to remain in circulation?—Yes.

Do you know that it is the practice to give a premium to exchange heavy guineas against light?—I do not.

William Merle, esq. called in, and examined.

What is your business?—I am a banker and a gold refiner.

In the house of Cox and Merle?—Yes.

Describe the general nature of your dealings as a refiner?—Our general dealings are in supplying the goldsmiths with gold and silver, for the purposes of their manufacture; at the same time I sell a great deal of silver to the merchants, and gold also for exportation.

What are the different descriptions of gold which passes through your hands?—We have it of all qualities; it is impossible to enumerate them.

Do foreign gold coin and gold in bar form a part?—Yes, of different qualities.

Is there any quantity of light guineas passes through your hands?—Not now; we have had millions when the gold coin was called in; but there has been no calling in lately.

If light guineas are brought to you for sale, do you purchase them?—We used to do; but we have not had any lately, on account of the high price.

You would purchase them if they were brought to you?—Yes.

Why does the high price of gold prevent their being brought to you?—The jewellers, I apprehend, melt them down themselves; if they were brought to me I should give no more than the current price; but at the present price of gold they would produce more.

When light guineas were brought to you, you purchased them?—I did.

According to what rate?—The Bank at that time gave 3*l.* 17*s.* 6*d.* an ounce for them when melted in bars, and we gave 3*l.* 17*s.* 2*d.* per ounce in guineas.

That was the market price of gold at the time?—Yes.

If light guineas had been brought to you within the last year and offered to you for sale, would you not, in the same manner, have bought them at the market price?—No; because they would produce more than twenty-one shillings; I should not have bought them at more than the coinage price, which is 3*l.* 17*s.* 10½*d.* per ounce, which would make them produce about 1*l.* 0*s.* 10*d.* that will make a guinea from the Tower exactly 1*l.* 1*s.*

Have you made any considerable purchases of light guineas since the period of the re-coinage?—O yes, vast quantities; many thousands.

For the purpose of melting them down into bars?—Yes, and sending them to the Bank.

Did you buy them at the market price?—Yes; at the market price, according to what the Bank gave: the Bank has never given more than 3*l.* 17*s.* 6*d.* and we have given 3*l.* 17*s.* 2*d.* or 3*l.* 17*s.* 2½*d.*: then there was two-pence for melting, and that left a profit of 1½*d.*

Supposing gold was scarce, and that there was a great demand for it, what would prevent you from giving the market price for it?—Nothing would prevent my doing it; but if I had not a consumption in supplying the trade here, I should then send it into the Bank, because none of this gold can be sent out of the country, being English gold.

What has been the market price of gold during the last year?—I can hardly inform you what may be called the market price, foreign gold is so much higher out of proportion than English gold; the last foreign gold from foreign coin I sold at 4*l.* 10*s.* per ounce; I sold it as standard at that price.

That was the price at standard fineness?—Yes.

Do you speak of it in bars?—Yes, foreign bars: 3*l.* 17*s.* 2½*d.* is the coinage price, and gold of an equal quality is sold at 4*l.* 10*s.* for exportation; I sell gold much lower to the trade here.

What price have you got, at the same time you speak of, for bar gold which could not be exported?—We delivered it to the trade at about 4*l.* 8*s.* and once we have been obliged to advance it, on account of the scarcity.

If you could get 4*l.* 8*s.* from the trade for gold that could not be exported, would not you have given as much for light guineas brought to you, as would have given you the profit you expected?—No, certainly not; I could not think myself justified in giving 23 shillings for a guinea; I have always understood it was contrary to the laws of the country, and if I was to do a thing of that kind I should have many applications made to me; perhaps they might file down heavy guineas and bring me, and if they could sell them to me for 1*l.* 3*s.* they would not let them go at 1*l.* 1*s.*

What do you conceive to be the illegality?—I understand the melting down heavy guineas is felony, and I have understood as to the giving more than 1*l.* 1*s.* for a guinea some penalty will attach to the person giving it; and indeed, there is a proof of it, for there is a man in custody who has been giving a premium for guineas, and he is now held to bail.

Do you understand it to be contrary to law to deface a light guinea?—No, certainly not.

Then if a number of light guineas, so defaced, were brought to you, you would feel yourself at liberty to buy them?—Not at a price higher than the coinage price, which would be about 1*l.* 0*s.* 10*d.*

If defaced they would no longer be coin?—But I should not feel myself justified in giving more; for many persons might deface guineas to make more of them.

If those light guineas were actually melted down, you would have no scruple in buying the gold so melted down?—If a bar is brought to me, it is impossible for me to know what it is from; it is assayed, and we buy it according to the assay; I should give, perhaps, 4*l.* 6*s.* an ounce for standard gold in bars; but if I had known they had been guineas, I should not buy them at all.

If I was to bring you a hundred light guineas, and ask you to take them at bullion price, you would not take them at that?—No; at coinage price.

I understood you to say, that you would never buy any light guineas, however deficient, if the market price of gold bullion was higher than 3*l.* 17*s.* 10½*d.*?—No.

Do you know the price the Bank now gives for standard gold?—They give 4*l.*

Would you conceive yourself entitled to give 4*l.* for standard coinage?—No; for a light guinea would then produce 1*l.* 1*s.* 4*d.*

What is the exact limit which constitutes a light guinea?—Any thing which the Bank fixes; a guinea must not now be under 5 dwts. 8 grains.

What are they generally when coined?—Five pennyweights nine grains and a fraction; the Bank allows a grain for circulation and rubbing and so on.

You have stated, that a person was in custody for buying guineas at more than twenty-one shillings each; do you happen to know whether the guineas which he so bought were light guineas, or guineas of the full weight?—That I did not enquire; but a gentleman at the Tower, I apprehend, was employed to apply to this Jew to purchase some light guineas; he sold them at twenty-three shillings, and he was immediately taken up.

You do not conceive that the defacing light guineas is any offence?—No, I should think not.

Then the sale of guineas so defaced is not an offence?—I should apprehend that a person is not justified in giving twenty-three shillings for a guinea to melt.

Do you conceive a person would be justified in buying light guineas for melting, if the price was low?—Certainly.

How long is it since you bought any light guineas?—I suppose four or five years.

None have been brought to you for sale, to be melted, within that time?—I should think not.

Do you know that there is any law against the purchase of light guineas at more than 3*l.* 17*s.* 10½*d.*?—I understood, from this person being taken up, that it is an offence, that he is liable to a fine by the Court, and a certain imprisonment, if he sells a guinea at more than twenty-one shillings.

You suppose there is no law against the purchase of defaced guineas, and yet you choose to refrain from purchasing light guineas at more than the current price; what are your motives for refusing to purchase at the high price?—I think it would open such a field for fraud; a number of persons reducing the guineas and then selling them.

That is the reason why you refuse to purchase light guineas at a higher price?—Yes.

You have stated, that the Bank would give 4*l.* an ounce for light guineas so melted down; would you not conceive that the Bank is committing an offence against the law?—I believe I was asked, what the Bank gives now: the Bank gives 4*l.*; but I do not know that they have had any light guineas brought in, more than myself, for several years; it is bars of gold carried in for which they give 4*l.*: there have been no light guineas melted for several years.

Will you describe to the Committee the process vulgarly called sweating guineas?—I do not know exactly in what manner; I have never seen it done, nor know in what manner it is done: I believe it is a name used rather than a thing carried into execution.

You know that light guineas are diminished by some process?—When the light gold was called in, I believe it was only from absolute fair wear.

Can you state what is the average weight of guineas now in circulation?—We see none; we do not even see a seven-shilling piece.

Are not the new seven-shilling pieces,

from the Mint worth rather more than their proportion?—No; three seven-shilling pieces weigh exactly what a guinea weighs.

You say you have been in the habit of receiving many thousand light guineas?—Yes, formerly.

Can you inform the Committee how much they are under weight, upon the average?—I should apprehend upon the average they would hardly exceed half a grain; for the Bank takes them at 5 pennyweights 8 grains, and all bankers take them at the same weight; and if it went the least back it was refused as a light guinea: but I apprehend it would not be more than half a grain upon each.

If you took a thousand light guineas, you apprehend they would weigh about 5 dwts. 7½ grs.?—Yes.

What difference would that make in the price?—They will produce very near 1*l.* 0*s.* 9*d.*

So that the average price of light guineas is about 1*l.* 0*s.* 9*d.*?—Yes; I speak of the price when gold was at the exact standard.

You state, that you were not in the habit of giving more for light guineas than standard price; you know that others in the trade do, do you not?—I cannot speak to that from my own knowledge.

Have you not lately had brought to you a great quantity of gold which cannot be exported?—It is very scarce now; but there is a great deal that we melt down, which cannot be exported, because it cannot be sworn off as foreign gold.

Has there not come to you a great quantity within the last twelvemonth?—No, it has been very scarce, we can hardly supply the trade; the silversmiths about London buy a great quantity of gold and melt it down; we buy it according to the report of the assay master; the want of it is owing to the shortness of supply; and, I apprehend, a great deal is smuggled out of the country.

Taking the price of 90*s.* an ounce, what is a current guinea worth?—1*l.* 4*s.* 1*d.*

What do you conceive was the average of the guineas when they were last in circulation?—5 dwts. 7½ grs., about 3*d.* less in value; they produced from 1*l.* 0*s.* 8*d.* to 1*l.* 0*s.* 9*d.*

If 500 guineas, such as are in circulation, were brought to you, do you think they would weigh above 5 dwt. 8 gr.?—No, I should apprehend not; but if they did not all weigh 5 dwt. 8 gr. at the Bank, they would refuse such as did not; they would not take them altogether: we have left off weighing them, and so has every body lately, except the Bank, because they pass even under 5 dwt. 8 gr. at 1*l.* 1*s.*

What do you conceive would be the average weight, if you were to take the mass of guineas that are in calculation now?—I should apprehend they would weigh about 5 dwt. 7½ gr.: if it is only a fraction of a 16th under 5 dwt. 8 gr., they are considered as light.

When all guineas were weighed, and the price of gold was about the standard price, 3*l.* 17*s.* 10½*d.* were guineas frequently refused if they were a fraction of a grain below that?—Yes; when cash was in circulation they were always refused if they were under 5 dwt. 8 gr., however trifling, only just a move of the scale on the weight side.

No gold has been seen in circulation lately?—No.

How long has that been the case?—It has been growing worse every day; but I suppose for the last 6 months.

In the 6 months preceding it, what was the average weight of the good guineas in circulation?—They must have been 5 dwt. 8 gr. and upwards.

How much under the weight at which they come from the Mint?—About a grain and a half, as near as can be, lighter than that at which the Mint would issue them: the good guineas should be 5 dwt. 8 gr. and upwards; if they were 5 dwt. 8 gr. we never weigh them more, because they pass current.

If you could now purchase light guineas at the standard price, what would you do with them, would you melt them down?—Yes, certainly, if they were light.

You do not take them to the Bank or the Mint to be melted?—No.

Can you state the proportion of gold which is in circulation in ordinary dealings at this time to the proportion of bank notes?—No, I cannot; we see no gold now; my clerks, who are out collecting every day, do not perhaps bring me perhaps a seven-shilling piece.

In a very large receipt?—Yes; they bring nothing but stamped dollars now.

Do you ever receive gold as a banker from any quarter?—No, hardly ever: there is a house at Dorchester sent me up 500 guineas, but they have been in store; I always keep some gold by me if I can.

The Bank gives you out a stock of half guineas and seven-shilling pieces, do they not?—No; I have gold lying at the Bank in guineas, which has been lying ever since the stoppage at the Bank took place, and cannot get half guineas and seven-shilling pieces for them.

Till within a very short period has not the Bank been in the habit of issuing to bankers a certain quantity of half guineas and seven-shilling pieces?—No; formerly they would perhaps change me 50 guineas to seven-shilling pieces; now they do not do that; it is a regulation they have made within these 3 months.

Till within these 3 months, the Bank have issued gold to bankers?—Half-guineas and seven-shilling pieces, provided you paid them heavy guineas in return for them.

Do not they give a certain portion of gold in exchange in certain payments in paying dividends, and so on?—For dividends, if you have a warrant that is for 64*l.* 10*s.* they will pay you 4*l.* 10*s.* in money: under 5*l.* they will pay in money.

Not for each dividend warrant?—No, the balance upon the whole.

Within the last year have you received much gold, such as may not be exported?—Certainly.

About what quantity?—I cannot state precisely without my books; my consumption for the trade is as nearly as can be about 2,000 ounces of gold a month.

Of such as may not be exported?—Yes, what I supply to the jewellers and gold-beaters and manufacturers of that kind; that is, fine gold, quite pure.

I speak of gold that may not be exported; you receive considerable quantities of such gold?—Yes, it is brought of all qualities, from 3*l.* 10*s.* down to 2*l.* 10*s.* that you can swear off as foreign gold, not seeing it beforehand: or if it was any trinket, or any thing of that kind, that could not be sworn off.

What is the oath before the court of Aldermen?—You swear that no part of the gold you produce has been the current coin, or clippings or meltings of the current coin of this country.

Supposing a foreign bar of gold has been manufactured into plate, and then it is brought to you to be melted and refined; could that be exported?—That I could not swear off.

Why not?—Because I cannot tell what the thing consisted of before it was worked up.

Do you mean to say, that you consider all gold as not exportable, except what you yourself know to be either foreign bar or from foreign coin?—Yes; we have a great deal of gold dust from Africa that we can swear off: I swore off near 4,000 ounces of gold dust that I had from Africa; I believe I have got near 3,000 ounces coming now.

Can gold imported from Ireland to this country be sworn off for exportation?—Not unless it was foreign gold.

How much of gold, not exportable, has been brought to you within the last 12 months?—It is impossible for me to say that; my consumption to the home trade is about 2,000 ounces per month; a considerable part of this gold never comes back, because it is used for gilding.

From what description of persons do you receive that gold which you destine for the home trade?—From the different shopkeepers and goldsmiths in town and country; sometimes I buy large quantities from different merchants to whom it is remitted; where it is not fine enough to be sworn off, they are obliged to sell it to the refiners.

Can you say whether, within this last year, the supply of this sort of gold offered to you has been more or less abundant than in former years?—Certainly less now a great deal, because we used to have so much that we could sell a good deal to the Bank; but we have not been able to sell any to the Bank for a long while.

Is the demand from you, for the home trade, less or greater than it has been in former years?—It is much about the same; I have a regular set of customers, jewellers, who use about a certain proportion every week; some of them perhaps use more than they used to do, in consequence of their trade increasing.

Do you find it more difficult to get the supply of that required for the home trade, than you used to do?—Certainly; we have been obliged to stand still sometimes.

What have you done to relieve yourself?—We have been obliged to wait till we could get it.

Do you get more from the country?—No; I do not see that is increased.

What you get up from the country is, of course, all gold for home consumption?—We have it frequently sent up in bars, the goldsmiths having melted it down themselves; we cannot tell of what it is melted, because it comes out, perhaps, 10, 12, 15*s.* an ounce worse than the standard; it is impossible for us to tell what it comes from.

Do you export gold?—No.

Do you sell to merchants for exportation?—No; my business is with Messrs. Mocatta and Goldsmid; we pay them a commission for selling.

Have you any knowledge of what becomes of the gold you sell through the agency of Mocatta and Goldsmid?—Only that I know it goes to Holland, and so on.

From whom do you get supplies of that gold which you sell through Mocatta and Goldsmid?—A great deal of it is foreign coin, which we buy of every body almost.

What is the general description of persons who bring it you?—Goldsmiths in general; but we have a great many private persons coming every day and bringing 36*s.* pieces and so on.

Do you receive any quantity of it from merchants?—Yes; sent over to them as remittances.

Has that quantity, within the last 12 months, been greater or less than in former years?—Till latterly I do not think there has been much difference.

What do you mean by latterly?—For the last 6 months the remittances have not come over in gold as they used to do; the remittances from Portugal used to be in 36*s.* pieces, from Spain in doubloons.

Within the last 6 months less gold has come to this country from Spain than before?—Yes, certainly, we used to have large quantities from Hamburgh, but there is none comes now.

Was the last 6 months different from the same 6 months in former years?—Yes.

Do you know of any gold coming from the West Indies?—Yes, we used to purchase a good deal; we have not had much the last 6 months, but at times we used to have, and from the East Indies too.

Within the last 6 months have you not seen as much gold, which you understood to come from the West Indies, as formerly?—Certainly not; I should think for the last 2 or 3 years there has not been so much in proportion as there used to be.

Do you mean to say it has been less plentiful for the last 6 months of the last year?—I have not seen any from the West Indies latterly.

Has the supply of this sort of gold brought to you, been more or less abundant within the last year?—Less.

From whence has that chiefly come, which you have possessed?—From goldsmiths with whom we were in the habit of doing business.

Have you received less from the merchants, than formerly?—Yes, a good deal less; as the gold is so very high, the merchants will get the same price as we can get ourselves.

With respect to the gold you have sold through Mocatta and Goldsmid for exportation during the last year, has the quantity been greater or less than formerly?—It has been greater certainly, because I have had a great deal of African gold this last year.

If the quantity brought to you of foreign gold has been less, in what manner have you supplied yourself for that greater demand for exportation?—It all depends upon circumstances, what quantity of foreign gold I can get.

I understood you to state, that the quantity you have sold through Mocatta and Goldsmid for exportation, has been during the last year greater than any former year?—Yes.

And that the quantity of exportable gold brought to you has been less?—Yes.

State the reason for the existence of those two circumstances?—In consequence of the high price at which I am obliged to purchase gold, I am compelled to swear it off for exportation to get the price, for the price I give for it is higher than I can give for home consumption.

A quantity of the gold which might be exported was formerly sold for exportation?—Yes.

It is the present high price which carries it abroad?—Yes, for the Bank give no more for foreign gold than they do for English gold; the foreign gold is now 12*s.* 1½*d.* above the English price, and the Bank cannot afford to give that; if the price of foreign gold was to fall, the Bank would take it in the same as English gold.

Within what period have you had an importation of gold from Africa?—Within the last 4 or 5 months I bought about 4,000 ounces.

When had you any gold from the East Indies?—That is constantly coming in, we have a little from one and a little from another, it amounts to a quantity at last; we are buying foreign gold more or less every day.

Has any gold come in from Heligoland?—No, I have not had any.

You have stated, that the supply of gold at home has not lately been equal to the demand you had; have you at any time found any difficulty in providing yourself with any quantity of gold which you wanted, in order to sell for home consumption, if you were willing to give the price of foreign gold?—No, I should have found no difficulty, but then I should lose a great deal of money if I was to sell it for home consumption at the price of English gold; we have been obliged to raise the price 5*s.* an ounce, as it is.

Is the Committee to understand it is the high price and not any defect in quantity which has caused the supply not to be equal to the demand?—Certainly? for the supply of foreign gold would be more than equal to the supply here.

There is always gold in the market?—Yes, if you will pay the price for it.

Do you conceive that the price of foreign gold in the market is its fair and natural price?—No; we always consider that if gold is above coinage price it is out of proportion; it is the difference of exchange abroad that enables them to give the price which they do.

Considering it with relation to the exchange, is it the fair price?—I should think it out of proportion, taking it with reference to the exchange; the exchange is about two or three and twenty per cent. against this country.

What is the difference between the Mint and market price of gold per cent.?—It is about 15 or 16.

Does not gold in bullion bear that price in England which it ought to bear, considering the price which it fetches upon the continent?—Yes; I suppose it is rather less than more; I should think it from 6 to 7 per cent. in favour of the importer, out of which however he must pay the charges.

Can you make any estimate what the charges are?—I cannot myself.

At the present rate of exchange, can you calculate what will be the price of an ounce of standard gold in this country as an object of remittance, taking into consideration the expence of that remittance?—No, I cannot tell.

Can you inform the Committee what, in peace times, was the expence of exporting gold from hence to Amsterdam?—No, I cannot, I never exported any.

When you buy gold, you pay for it in bank paper?—Yes.

The payment being made in Bank paper, the price is 4*l.* 10*s.* an ounce?—What I have sold for the home trade I had only 4*l.* 8*s.* for.

If you were to pay in guineas, should you get the gold at a cheaper rate?—I could not pay in guineas; I cannot get them.

Supposing you had guineas to give, could not you buy that gold at a cheaper rate than 4*l.* 10*s.* an ounce?—No; I should not offer a less price certainly; if I was to buy any quantity of gold and pay for it in guineas, I should offer the same price as in Bank paper.

When you speak of the Mint price being 3*l.* 17*s.* 10*d* ½. an ounce, do you calculate that in gold coin or in Bank paper?—We make no difference, and I do not believe there has been any difference in paying in specie or Bank paper.

Is not the reason why an ounce of gold is worth 3*l.* 17*s.* 10*d.* ½ that as many guineas as weigh an ounce amount to that sum?—Yes; if a gentleman came and brought me gold, I should pay him exactly the same, whether I paid him in gold coin or Bank notes.

The Mint price of gold is the price calculated in gold coin?—Yes.

And the market price of gold at present is calculated by paper?—Yes, it is all paid in paper; but if they were to pay guineas, foreign gold would still bear the same price as it does now if the exchange continued the same.

If I go to a silversmith's shop, and see a gold cup in weight and fineness exactly 100 guineas, and the silversmith asks me 10*l.* besides for the workmanship; if I offer him 115*l.* for that cup, would not his answer be, the gold itself is worth that; would he take the 115*l.* for it in bank notes?—Certainly; for the gold that I sell, I receive Bank notes in payment.

How much would it cost you in Bank notes to buy that quantity of gold which in weight and fineness would be equal to 100 guineas?—105*l.*

Do not you sell English gold at 4*l.* 8*s.*?—Yes.

If I go to a silversmith's shop, and see a gold cup in weight and fineness exactly 100 guineas, and the silversmith asks 10*l.* besides for the workmanship; what would the worth of that cup be now?—A cup of equal fineness and weight to 100 guineas, taking the cup at 3*l.* 17*s.* 10*d*½. per ounce, would be worth 105*l.*

What is it worth at the present price?—According to the present price of gold it would be worth 118*l.* 2*s.*

Would not the silversmith require 118*l.*

2*s.* for the weight of the gold, and 10*l.* besides for the workmanship?—I suppose he would, because gold is so much above the standard price.

Supposing no legal restrictions to exist, and no scruples to exist in your mind, to the making a difference between paper and guineas, and that you were left simply to calculations of your own interest, could you not, in that case, make a considerable difference in the sale of any article for 100*l.* in paper or 100*l.* paid in specie?—Yes; if I was allowed to melt guineas, it would make near 10*s.* an ounce difference to me.

What difference would you make upon the value of 100*l*?—About half a crown upon each guinea; I could afford to sell the gold for 8*s.* an ounce less than I am obliged to do now, if I was allowed to melt guineas.

In the transactions which pass through the agency of Messrs. Goldsmid, does the gold go through the Bullion office at the Bank?—In general it does.

Does it always?—Not exactly always; I believe I may say always, except our house; when Mr. Goldsmid sells for me, he generally sells to Abraham Goldsmid, jun. and then perhaps he will send to my house and take it away, and weigh it; all our foreign gold he does not buy, goes through the Bullion office, not only the bars but all foreign gold.

What do you conceive to be the cause of the disappearance of guineas from circulation within the last six months?—I can only give my opinion, not knowing it positively, but I have no doubt they are collected up to be sent abroad; I have heard it has been the practice of a number of people to attend among the butchers in Whitechapel and other markets, and to give a premium for them; indeed there is a salesman in Smithfield from whom I used to receive a great deal of light money, and who has asked me whether I would not give a premium for it, which I refused, and he said he could procure five per cent. upon it.

You conceive the cause of the disappearance of guineas from circulation to be, the high price of gold bullion, and the temptation to export it on account of that high price?—No doubt of it.

What do you conceive the reason for the high price of gold bullion?—The exchange making it so much more favourable to transmit it than bills.

Has your attention been particularly directed to the subject of foreign exchanges?—No, it is out of my line; I never exported any myself.

Ever since the period of 1800, as bank notes have increased in quantity, has the price of gold bullion risen proportionably?—No; I do not think bank notes have had any effect upon gold.

Have you made any observation upon it?—No, I have not.

Have you ever considered the subject generally?—No; we never have found any difficulty till the course of exchange had taken such a turn as to create a demand for it abroad.

Do you know whether it has or has not?—No; I have never considered it.

Have you, from any consideration of the subject, enabled yourself to judge what effect a large issue of bank paper might have upon the price of gold?—No; nor did I ever consider that it had any thing to do with the gold; but I never examined the subject, I never gave it a thought.

You deal in silver bullion as well as in gold?—I do.

What is generally the nature of your transactions in silver bullion?—I buy a vast quantity from the Bank, and I have very large quantities from my different correspondents.

In bars and in dollars?—Yes, in both.

To whom do you sell it again?—My consumption may be about 20,000 ounces a month among the trade, and I sell a vast quantity of dollars to merchants; but I do not export any thing myself.

Nor import any thing?—No; I receive a great deal from my friends, when the Spanish ships come home; I have had a great deal from Cadiz and from the South Seas; I have had a great deal of silver from Buenos Ayres.

There is no restriction on the exportation of any silver, is there?—Yes, the same as it is with gold.

It must be sworn off?—Yes, but I never did swear any off.

Is there any difference between the price of silver that cannot be sworn off and of silver that can?—I should think not; because it is not worth while to do it, owing to the convenience of being supplied with dollars.

What is the present price?—Dollars are 5*s.* 6*d.* per ounce.

What is the price of standard silver?—There is none in the market at present, but it would be about twopence halfpenny higher; they generally keep the same proportion.

Are not Spanish dollars worth something more in general than their intrinsic value?—No; bar silver and dollars go hand in hand together; one does not sell out of proportion to the other.

Do you melt down Spanish dollars?—Yes, a great many; if I have not bar silver, I am obliged to melt dollars.

Of the dollars issued some time ago by the Bank at 4*s.* 9*d.* have not a considerable quantity been melted down by the trade?—The Bank called them all in; they took them back at the price at which they issued them.

Were not a considerable quantity of those dollars melted down?—There might be some, but they could not be worth above 4*s.* 4*d.* or 4*s.* 5*d.* when they called them in, therefore the persons having them were glad to take them in.

A dollar is worth 4*s.* 6*d.* at par?—That depends upon the price in the market.

What do you consider the standard price of a dollar, taking the value at what our English coin should be?—It would come to about 4*s.* 6*d.* I suppose; but I have not known in my recollection that silver has been so low as the standard price; the standard price would be about 5*s.* 2½*d.* an ounce; dollars are 3*d.* an ounce worse in quality than standard silver.

Sixty-two and an half is the standard price of silver?—Yes; dollars would then be worth only 4*s.* 11*d.* an ounce.

Supposing silver to be at its standard price, what would a dollar then be worth?—Four shillings and fourpence.

What is a dollar worth now?—Four shillings and ninepence: silver is about 5*d.* an ounce now above the coinage price.

That is about 9 per cent. is it not?—I suppose thereabouts.

How do you account for the circumstance of gold being 16 per cent. above its coinage price, and silver only 9?—I cannot answer that question because I am not conversant with the foreign connection.

You suppose it a question connected with the state of the foreign exchanges?—Yes; and there are many places where dollars will not do as gold will do.

You do not suppose it to arise from any cause in the consumption of one article or the other in the country?—No; I do not consider the consumption to have any thing to do with it; a great many dollars go out to the West Indies, and perhaps very little gold goes there, but gold is taken over to the Continent and not dollars.

What is the cause of the present price of silver bullion being higher than the coinage price?—The demand: I have a great demand for dollars, and perhaps I must give 5*s.* 7*d.* on Monday, because they are wanted to go out, and I therefore must get them at the best price I can; perhaps that may last for a month or perhaps only for a week; dollars vary every week an halfpenny or a penny an ounce.

You know that at the time we are coining gold at 3*l.* 17*s.* 10½*d.* per ounce, we are coining silver 5*s.* 2*d.* per ounce, that the proportions between gold and silver are such that the silver will always buy more than the gold?—Yes, certainly it will.

Therefore it is not possible that much silver should remain as the coin of the country?—No, certainly not.

Are not the bankers in the habit of giving a premium for silver?—We used to do it till we got the stamped dollars; I have given 101*l.* for a quantity of coin worth 60*l.* if it was melted down, though passing for an hundred, but I have given that premium to get it, bad as it is, particularly at harvest time; it is always very scarce then.

It comes back again afterwards?—Yes, some of it; but we have given 1¼ per cent. for it, notwithstanding.

February 26, 1810.

Francis Horner, Esq. in the Chair.

Aaron Asher Goldsmid, Esq. again called in and examined.

Can you explain why the price of gold is frequently omitted to be quoted for a long period together, as for 1806, 1807, and 1808?—When the prices of gold are not quoted, the transactions are not either numerous or important.

Do you mean to say, that during the whole of these three years there were not transactions enough to constitute a price?—I have no doubt that the aggregate amount was sufficient to constitute a price, but I am not aware whether there was any thing sufficient done between each post day.

Can you state what might be the actual price of such few sales as took place?—Four pounds, during the whole of those three years, was the price of foreign gold in bars and Portugal gold in coin.

Have you ascertained the time when a change took place of an exportation of gold from this country to the Brazils, instead of an importation?—Towards the middle of the year 1808, the merchants trading to the Brazils and Portugal purchased gold and silver bullion, instead of selling it as before.

Was there not before that period an importation of silver from the Brazils?—I believe not.

In what manner do you fix the price of gold as between buyer and seller?—By ascertaining the general disposition of buyers and sellers, and stating the medium.

Do you mean that you enquire what is the price which the one in your judgment is likely to be pleased to give, and the other the price which the other is likely to be willing to sell at?—Yes, it is the general opinion of the market.

Have you any reference, in fixing the price, to the prices of the foreign market?—Certainly.

How do you ascertain that?—By inquiring the last price of various merchants; and generally the general disposition of the market concurs with the prices abroad, because persons are willing to buy up to that price.

Are they governed by the antecedent price of gold?—Guided by the general disposition of the buyers and sellers here and the prices abroad; there is seldom any great fluctuation, unless some great influx or sudden rise; for some considerable demand or large arrival will certainly tend to fall the price; and any considerable depression of the exchange would tend to raise the price, which might arise from many causes.

Enumerate those causes, or give some instances.—In fact there frequently arise causes of which we are not aware of the original source, such as a particular demand for gold on the continent, as, I believe, is the case in the present instance; or money going out of the country for the payment of troops abroad to any considerable extent would naturally have that effect.

Would the price of gold be affected by a large exportation of silver for the troops abroad?—I am not aware that it would.

Then, in order that the payment of a subsidy abroad, or the remittance of money for the payment of troops abroad, should affect the price of gold here, is it your opinion that the remittance must be made in whole or in part in gold?—If there are markets abroad in which there is a demand for both gold and silver, the abstraction of silver from the market here must naturally enhance the price of gold.

If either gold, silver, or bills of exchange were sent for the subsidy, would it not equally have an effect?—If bills were sent, it would certainly increase the debt of this country to the continent.

Do you, in point of fact, know that a remittance of silver from this country on account of government, has in your market raised the price of gold?—When the price of gold is advanced, it is not at all times possible to trace it accurately to its source.

Then do you mean to say, that you do not recollect an instance in which the price of gold was to your knowledge raised by a remittance of silver?—Not any instance in which it was strictly ascertained to be so.

Do you recollect whether large remittances were made from this country to the continent in the year 1796?—I have no recollection of any events of that description, which passed so far back as 1796.

Supposing you were to hear that the trading intercourse between this country and the neighbouring parts of the continent was likely to be interrupted more than ever by the severity with which the French emperor was about to execute his restrictive edict, should you, in fixing the price of gold, take that circumstance into your consideration?—I think that such an event would stimulate purchasers, and consequently probably increase the price, in order to avail themselves of the existing opportunity of exporting it.

Then you suppose that the opportunity would be lessened after the edict should become in force?—I am supposing that the buyers should entertain such an opinion.

Can you speak of a demand for gold upon the continent: what information have you as to the extent of that increased demand, or the causes of it?—From what I have heard, I believe that it has greatly arisen from the practice of the French armies, who in their progress through the continent carry gold in order to pay the demands upon them; and as a proof of the probability of this circumstance, since the war in Spain, doubloons have borne a greater premium on the continent in proportion to other gold.

At what market?—In Holland.

What is the difference of the price of doubloons in the Dutch market, before the Spanish war and since?—I cannot speak precisely as to that.

How is the price of doubloons at Amsterdam stated?—I do not know.

How long have you been personally acquainted with the trade of bullion in this country?—About six or seven years.

Within that period of six or seven years, have you ever known the price of gold at the Mint price? I have not.

Would you say that for any length of time during that period the price of gold has been at what you would call a steady price?—During the years 1806, 1807 and 1808, the price continued at 4*l.*

Are not these the years in which you stated there were not transactions enough to constitute a price?—I suppose that the transactions were not very numerous and important, but all the bargains that were made were at that price.

Can you state the reason of that regular price during those years, and was it not because the Bank of England fixed that as the price which they would give for gold during those years?—The market for gold was the same during those years, and that is the cause of the steadiness of the price.

What do you mean by the market for gold?—I mean to say, that all or almost all the purchases were made for the same quarter.

Were the purchases, by the quarter to which you allude, considerable?—The aggregate amount might be considerable, but I am not aware what in point of fact it did amount to.

You have stated, that during those years the demand on the part of the purchasers was nearly the same; was the supply equally steady on the part of the buyers?—I cannot answer that question without referring.

You have stated, that you always ascertain the price by what you call the general disposition of the market, and by taking a medium between the prices of the buyers and sellers: did you adhere to that course in fixing the price during those years?—It is our uniform practice to do so.

Did you adhere to that uniform practice during those three years?—Certainly.

Did you likewise during those three years, in fixing the price, advert to the price of gold in the foreign market and to the course of exchange?—It is impossible for me to speak particularly of our conduct during those three years, but I am persuaded that it was so, from its uniform tenor.

Do you at present understand, with respect to those three years 1806, 1807, and 1808, that the price remained so steadily the same, because all the circumstances to which it is the uniform practice to advert in fixing the price underwent no variation?—It may be that the demand for one quarter exceeded all competition.

Is it not the custom for different persons to place gold in your hands, with directions for selling it, without specifying the price at which it should be sold?—Certainly.

And does not a contrary practice as often prevail, of your being limited to a price by the seller?—Both cases frequently occur.

Do both cases occur with respect to buyers?—With regard to buyers, we generally have some limits.

But is there not some discretion allowed you, in general, by the sellers?—There is frequently a latitude in both cases.

Do I understand you correctly, in conceiving your account of the steady price during the three years 1806, 1807 and 1808, to be this, that from one quarter of the buyers there was a permanent demand for whatever bullion you could supply under a certain price, and that the price of bullion in the market never in point of fact exceeded that price?—I conceive the case to have been so.

Whether the fluctuation was so sudden, as in the course of a month to rise 10*s.* per ounce?—I do not think the fluctuation was so sudden.

When did the price of gold begin to rise above 4*l.*?—I cannot speak to that.

About what time did that state of circumstances cease, which you have described in your former answer, the effect of one buyer upon the market?—I think that cause operated during the course of the years 1806, 1807 and 1808.

Was it the rise in the price of gold to more than 4*l.* that put an end to the demands from the quarter which you have alluded to?—Yes.

Was that rise from 4*l.* to 4*l.* 10*s.* which you have spoken of in your former answers, a progressive rise?—To the best of my recollection it was.

About what time did it attain the maximum?—I do not recollect.

Then is the Committee to understand it

to be your opinion, from the evidence you have given, that this rise in the price of gold was occasioned by a change in those circumstances which had remained steady during the years 1806, 1807 and 1808?—Those circumstances had not remained steady, but they had not changed so much as to raise the price.

You mean the circumstances affecting the price of gold in the foreign market, as well as the operations of government here, occasioning remittances?—Circumstances in general.

Do you include both descriptions of circumstances in your general description?—Yes.

Is not the price of bullion regulated by the buyer and seller; and you being only the medium between them, have no control or influence over the fixing the price?—It is regulated by the general disposition of the buyers and sellers, and no one has any influence so as to raise or depress it above or below its natural level.

If a person in possession of 100 guineas of full weight were to melt them into bars and sell them in the market, what sum in Bank of England paper would he be able to obtain for them?—He would have acted illegally in melting the guineas, and his bar would be unsaleable.

How could the buyer know that that bar was melted from English guineas?—No bar is sold for exportation unless the proprietor swears before the court of aldermen, as I have already said, that it is melted from foreign coin or from foreign gold in bars.

Supposing the persons concerned were nevertheless to take that oath, what profit would they obtain upon that transaction?—They would in the first instance obtain the profit which arises from the difference between the market and the Mint prices of gold; and in the next place if they were to export it, they would derive the profit of the export merchant.

Upon the sum of 100 guineas full weight, how much would the first of those profits amount to in pounds shillings and pence?—Fifteen pounds eleven shillings and sixpence.

Then for 100 guineas melted into a bar, he would have obtained 121*l.* 11*s.* 6*d.* in Bank of England paper?—Yes.

If he could for 105*l.* have 121*l.* 11*s.* 6*d.* and contrive to procure 100 more guineas, would he not have made a profit of 15*l.* 11*s.* 6*d.* and be in a condition to repeat that operation?—Certainly.

Does not the same temptation to melt our lighter coin exist in proportion to its approach to full weight?—Certainly it does.

Is there not a positive temptation to melt all our English gold coin that is not degraded for sixteen per cent?—Yes.

Do you think that in the market that person could get the 121*l.* 11*s.* 6*d.* paid to him for his bar in specie?—The practice of the Bank has always been, to pay and receive money in Bank notes.

If the transaction through your intervention were between one individual and another (the Bank having no concern in the transaction), do you think that in the case supposed any purchaser could be found at present who would pay 121*l.* 11*s.* 6*d.* in specie for the bar melted down from 100 good guineas?—Whether the Bank have any concern or not, the mode of receiving is precisely the same.

State your opinion.—I dare say any person would find a great difficulty in doing so even if he were thus inclined.

If as an individual you were about to purchase on your own account a gold bar of the weight and standard of 100 good guineas, and you had money enough in Bank notes in one drawer and in specie in another to complete the bargain, would you make any difference in paying the seller in one monies or the other?—I certainly never would make a bargain in which there should be any difference.

Charles Lyne, esq. called in, and examined.

Have you opportunities of knowing the course of the trade in this country and foreign parts, in gold coin or bullion?—A little of it.

Do you know whether in the course of the last two years there has been any remarkable change in the state of that trade, as to export or import?—As far as my knowledge goes, there appears to have been a great difference in respect of the import of gold being smaller.

Since when has that change taken place?—I cannot precisely say; I should think in the course of these three or four years.

Do you mean that within the course of these three or four years the importation of gold has been less in this country than in former years?—Yes.

How has the export of gold from this country been, in the same time?—I have no knowledge of that.

Have you known of gold being lately exported from this country to the Brazils?—Yes.

Have you known of considerable quantities of gold being exported?—No; small quantities; what has gone, has been chiefly silver.

Has silver been exported to the Brazils in considerable quantities?—Not very considerable, and that in Spanish dollars.

What do you conceive to be the reason of gold and silver being exported from this country to the Brazils?—The apprehension of a rupture between this country and North America, creating a great desire on the part of our manufacturers and dealers in cotton to purchase the cotton in the Brazils to import into this country.

Could they not make these purchases by drawing bills upon this country?—No, there being no takers for such bills on England; and the importer of cotton makes his purchase more readily by sending cash from this country.

For how many years do you recollect gold and silver being sent to the Brazils to make such purchase?—About two years, from this country.

Has there not been a practice for a much longer period of time, of sending silver?—Not that I know of.

Did not specie go to the Brazils from Europe longer ago than two years?—From Portugal, I conceive, gold has been sent to some of the Brazil settlements for many years back; for example, to Pernambuco, and Maranham, and this while the importation of gold was taking place from the Rio into Portugal; and the same is the course of the trade now, but through the intervention of this country.

From what you had occasion to know of Portugal before the removal of the seat of government, did you conceive the balance of trade between the colonies and the mother country to be usually in favour of the former or of the latter?—In favour of the colonies.

What do you conceive to be the state of the trade between this country and the Brazils?—Very considerably in favour of this country.

Are remittances made in specie from the Brazils to this country, in discharge of that balance?—Considerable remittances are made from thence in dollars to this country, from the Rio.

Is gold prohibited by the laws of the Brazils from being exported?—It is, under severe penalties.

Is silver prohibited?—Foreign coin is at present allowed to be exported.

Do you conceive that since the removal of the seat of government, gold is sent from the Brazils to Portugal?—I conceive there is none.

Have you any information as to the quantity of gold that used formerly to be sent from the Brazils to Portugal?—I have not.

In what proportions?—I cannot say.

To what settlements in the Brazils has the gold which has been sent from this country gone?—Chiefly to Pernambuco and Maranham, and some small quantities to Batica.

In what coin?—In Portugal coin.

How was this country supplied with the Brazil cottons formerly?—Through Portugal.

Have you any information with respect to the state of the Brazil mines, as to their productiveness?—I have not.

Or any other gold mine?—No, I have not.

What is the real par of exchange between this country and Portugal?—Sixty-seven pence and a half sterling for one thousand rees.

What is a ree?—The ree is not a coin, but an imaginary denomination.

In the Portuguese mint are there any coins the value of which is expressed in rees?—Yes, all their coins are valued in rees.

State the number of rees in the different gold coins of the country?—A crusado is 400 rees; a new crusado is 480; an eight festoon piece 800 rees; a quarter of a moidore is 1,200 rees; half a sixteen festoon piece, is 1,600 rees; a moidore 2,400; and what they call a three-mill two, 3,200; a moidore 4,800 rees; and there is a piece called a six-mill four, which is 6,400 rees.

Do you know the standard of the gold coins in the Portuguese mints?—The present standard is twenty-two carats.

Do you know the weight of any of these coins?—Not exactly.

Do you know the weight of a johanna?—Not exactly.

[Mr. Goldsmid stated, that the weight of a six-mill four is 9 dwts. 5 grs.]

In stating the real par of exchange to be 67½*d* sterling for 1,000 rees, do you mean that there is the same quantity of gold of 22 carats in 1,000 rees, and in 67½*d*. supposing them fresh from the Portuguese mint?—Yes, I do.

Do you know whether the six-mill four pieces at present are deficient from their coinage weight, and how much?—I should suppose not much; they are taken in Portugal without weighing.

What is the present exchange between this country and Portugal?—Sixty-five and a half, both with Oporto and Lisbon; at present they happen to be the same; but that involves a very complicated calculation, half being payable in hard money and half in paper.

What is the paper?—It is government paper money, bearing an interest of six per cent. per annum.

What is the value of that paper as compared with the gold, at present?—By the last advices, at a discount of twenty-seven per cent. It is paper money, which hitherto has been issued at the will of government, without any kind of control or explanation to the public as to the quantity or when it is to be redeemed.

As a circulating medium?—By law, payments are made half in that paper and half in hard money.

Do you mean that this paper is a legal tender for the half of any payment that is to be made?—Yes.

How long has that been the case?—I think about fourteen years; till then all payments were made in hard cash.

Was one-half of the amount in paper a legal tender, from the period when that paper was first issued?—Yes, it was.

Was government paper circulation not known in Portugal till about fourteen years ago?—Never.

How soon after the first issue of that paper did it fall to a discount?—I believe within about fourteen months.

What did it fall to in the course of the first two or three years?—I cannot answer that with accuracy, but I should think, perhaps, the extent might have been 10 to 12 per cent.

Did it not circulate for a considerable time at a discount of three or four per cent.?—Yes, it did; but I do not recollect for what space of time.

Did this discount of the government paper affect the exchange of Portugal with other countries?—It did to a certain degree, but not so much as might have been expected.

When the discount became much larger, were not the exchanges more affected?—Occasionally they were, but not generally.

How did the Portuguese government take this paper in payment of taxes?—They used to take it in the same proportion of half and half.

But did they take it at par?—The government always took it half and half, but the paper at par; that paper was always taken at par in payments, but when persons came to reduce it into hard cash then it bore a discount.

Has the interest been regularly paid on them?—No, not regularly.

Has it lately been paid?—I have not sufficient information to say.

What is the form of the paper, payable at a given time and renewable by government; or what is the form of it?—I do not recollect the wording of the paper.

For how low a sum was this paper?—As low as 6*s.* 9*d.* or 1,200 rees.

What would be the true rate of exchange at present, supposing there was no paper, but the whole was paid in money?—Less 13½ per cent.; from 65½ now current from this country to that, 56$\frac{65}{100}$*d.*

Then how do you account for Portugal not sending us any gold?—The country has been so drained when the French were there, that I conceive it is not to be had.

By the hard cash which is payable for half, do you mean gold or silver?—Both, or either, at the option of the payer.

In what is it now common to pay?—Mostly in silver.

Do not the spanish dollars circulate in Portugal?—At present they do, at 800 rees each dollar.

In stating the par at 67½ exchange with Portugal, do you not assume that the payments there were made in Portugal gold coin?—When I stated the par of exchange at 67½, it was upon the comparative value as to weight of gold and quality of the six-mill four, when compared with the standard weight and value of our guineas, and also the relative value of the old silver coins.

Since therefore the practice now is to pay in Portugal partly in silver, and the existing exchange is subject to that condition, does it not follow that we have no means of knowing the exact difference between the present rate of exchange and the real par of that country?—Certainly there are no means of knowing what is the difference between the present rate of exchange and the par of that country, without knowing the standard of the silver and the discount upon the paper; by the standard, I mean the relative value of the silver and gold.

How does the Portuguese government pay its debt to individuals?—They pay half money and half paper.

[The following communication from Mr. Lyne, was received on the 9th March.]

"In addition to the evidence I have given to the Committee, I beg leave to offer the following written observations;

"The pars of Exchange between Great Britain and the countries with which it has commerce, have, as I conceive, been fixed by the relative value of the respective coins of those countries compared with those of England, principally, I believe, by the relative value of the gold coins, including therein the expence, as well as the profit on the coinage. But though there are those fixed pars of exchange between the different countries, they are not in any the smallest degree attended to, or do they in any manner serve as a guide for exchange operations: the only use of such pars of exchange is, in my opinion, that of shewing the comparative value of such coins, in cases where the creditor is reduced to the necessity of taking them in payment of his debt for the want of any other representative. Exchange operations are, as I conceive, solely governed by a greater or smaller demand for bills, created by a greater or smaller amount of imports and exports; and by the prices of exportable gold and silver in the respective countries with which those exchange operations are done.

"The balance of trade between England and those different countries with which it has commerce, being in favour of England, while the exchanges are so much against her, is, in my opinion, satisfactorily accounted for by the following facts:—By the balance of trade, which is in favour of Great Britain, being for the major part against South America, from whence it has not yet come back, and consequently cannot yet produce its effect in the general balance with other countries which are creditors:—By a greater amount of import from the Baltic, France, and Holland, than that of export thither from hence, which has created a great depression in the exchanges:—By a great difficulty and hazard in carrying on bill and bullion operations with the continent, as also from some parts of the continent to others; which consequently require greater profits to cover those risks, and causes therefore an augmented depression in the exchanges;—By the want of a concurrence of drawers and consequent competition, which enables the few individuals engaged in those operations to control the exchanges, and keep them so much depressed, to their own advantage:—And by the great export of specie for the payment of our troops on foreign stations, and for other government purposes.

"These are, I conceive, the causes of the great depression in our exchanges, and the consequent export of specie. I do not agree in opinion with those, who conceive that either the one or the other is occasioned by our circulating medium being confined to bank notes; though I know of instances (and in which I have had much practical experience) where such effects have been produced by a paper money circulation, in different parts of the continent of Europe; but that has been so produced, only as such paper currency became of less value than what by law it was purported to represent, and therefore, when it so fell in value, (and not before) that bills on foreign countries were not obtainable at such rates of exchange or price when to be paid for in such paper money, as they were when to be paid for in gold and silver, the exchanges necessarily became depressed in the same proportion as the paper money became depressed. But the case is by no means similar in respect to the bank notes and exchanges in this country; very much otherwise; inasmuch as bills on foreign countries are here obtainable precisely at the same rates of exchange, whether they be paid for in bank notes or in guineas; and consequently, the remitter can place by bill remittances as many florins in Amsterdam, or as many marks in Hamburgh, with 1,000*l.* in bank notes, as he can with 1,000*l.* in guineas: and therefore it becomes obvious, that the courses of exchange between England and the continent, would be precisely the same, whether the circulating medium be in bank notes or in guineas, if the latter are to be kept in the country. But if guineas were the circulating medium, and they were to be sent to the continent for the payment of the debt due from this country, they would most undoubtedly have the effect of reducing the present great difference of exchange; and so would undoubtedly an equal amount of any other article: Guineas would produce the most speedy effect, inasmuch as, being of a more portable nature, they would sooner find their way into the continent. But while guineas would thus produce the most speedy effect, it is equally obvious that merchandize of lawful export would produce a greater effect in reducing the difference of exchange: Guineas, colonial produce, manufacture, or any other article of commerce, are all changeable or saleable on the continent for the same article, namely, the circulating medium there, whatever that may be; the effect on that side would thus in the first instance be precisely the same, but the effect on this side would be widely different, and in favour of the lawful export of produce or manufacture against that of guineas; for while in the lawful export of the former, there would be an open concurrence of exporters of goods and of drawers on the continent against the same, which would produce a competition, and a consequent advance in the exchanges in favour of England, the unlawful export of guineas would be confined to a very few; who would thereby not only avoid the competition of drawers, and consequently have the means of controlling the exchanges more to their own benefit against this country, but who would also necessarily require a greater difference in the exchange to cover the risk they run in transgressing the laws; and thus also, the country, or say the public, would have to pay the guinea exporter for the risk he runs in transgressing its laws.

"The question then seems to stand thus: A debt is due to the continent, which must be paid; shall England, if it had the means, pay it in gold or in any other article of commerce, such as the rulers on the continent will consent to take from us? Gold will produce the most speedy effect; colonial produce will produce the greatest. Taking into consideration, that were our circulating medium in guineas, and they to be sent out of the country for the payment of the balance due to the continent of Europe, in order to check the depression in the exchanges; we must in such case, not only send out a greater amount of gold than of produce, to cause an equal effect, but we must again resort to bank notes, and again and again; unless it be presumed, that such immense imports of bullion will take place, so as to furnish us with a sufficient quantity, not only to keep up the whole circulating medium of the country, but also to pay, in those precious metals, the occasional balances that England may owe to certain parts of the continent of Europe, not likely to be inconsiderable during the present contest with France, while the unsettled state of our commerce with South America, renders our bullion and specie supplies from thence extremely precarious."

February 27, 1810.

FRANCIS HORNER, Esq. in the Chair,

THOMAS HUGHAN, Esq. a Member of the House, Examined.

Please to state what line of trade you are engaged in.—A merchant, trading to the West Indies.

State to the Committee the nature of the trade in gold between the West Indies and this country.—My practical knowledge of bullion imports is almost exclusively confined to that from the island of Jamaica; in gold there is very little done. The imports into that island from the Spanish settlements consist almost entirely of silver, although there are occasionally small quantities of gold; the bullion so received is generally in return for English goods and manufactures sold to the inhabitants of those settlements.

From which of those settlements do you derive in specie the principal supply of gold?—The supply of gold is chiefly from Carthagena and Vera Cruz.

Do you derive any supply of gold from the Portuguese colonies, or from the United States of North America?—There is little or rather no intercourse between Jamaica and the Portuguese settlements, although there are considerable quantities of Portuguese gold at times current in that island, which are obtained chiefly from the Spaniards. I am not aware of any supply of gold being obtained from the United States of America; there has at times been importations into that country, of counterfeit or light gold coin from the United States.

State the money that is current in the island of Jamaica.—The money current in the island of Jamaica is, British, Spanish, and Portuguese coins, gold and silver.

What do you consider as the par of exchange between Jamaica and Great Britain?—The established par of exchange between Jamaica and Great Britain is 140 for every 100, or 140*l.* currency for every 100*l.* sterling.

On what ground is that termed the par?—When the current money of the island is converted into sterling money, it is computed at the rate of 140 to 100.

In what mode are the payments in the common transactions of commerce made in Jamaica?—They are made in the circulating coin of the country, at the current value. All sterling sums would be estimated first at the rate of 140 per cent. and the payments would be made in the coin at whatever it passes current for. For example, a debt of 500*l.* sterling would be computed to amount to 700*l.* currency, which would be discharged by the payment of 2,100 dollars, 6*s.* 8*d.* being the current value of a dollar; but, owing to the high price of silver in England of late, dollars have borne a premium in Jamaica of from 2 to 4 per cent. above 6*s.* 8*d.*

In what are payments now made under those circumstances?—I apprehend if a payment were made in dollars under those circumstances, the receiver of the dollars must allow 4 per cent. additional to the current value, because the dollars are intrinsically worth so much; but that it would be at the option of the debtor to make his payments in any other coin current.

Whether the 140 per cent. called the par of exchange between England and Jamaica was not fixed by a positive enactment of the assembly?—I think it was; and I did not mean to state that the exchange between Jamaica and England was permanent; on the contrary, it fluctuates like all other exchanges.

What you have called the current value of the dollar, in the answer before the last, is the legal current value, and not the actual value?—So I understand it.

Under what state of exchange does gold come to this country?—When the price of gold in England is high, and the rate of exchange abroad in favour of England, then gold is sent here as a remittance instead of bills, or as an article of traffic.

State the rates of exchange which have prevailed in the island of Jamaica for two years last past.—The exchange between Jamaica and England for the last two years has uniformly been very high in favour of England; at one time it was as high in Jamaica, for bills at 90 days sight on England, as 20 per cent. or 168*l.* currency for 100*l.* sterling; the exchange has since declined, and, by my last advices, it was at 10 per cent. or 154*l.* currency for 100*l.* sterling.

Can you state the charges per cent. which attend the bringing of gold from Jamaica to London? I am not prepared with any accurate calculation upon that subject; but I should estimate the expence of bringing gold from Jamaica to London, if conveyed in a man of war, at about five per cent.

What would it be in time of peace?—There would be little difference in the charges in time of peace; the expence might then amount to four instead of five per cent.

Is any brought now but in ships of war?—It is chiefly if not entirely brought in ships of war and packets: there are occasionally small sums brought by merchantmen of the superior classes.

What is the expence of carrying gold to Jamaica from the Spanish colonies?—By the same conveyances, that is, by men of war, I should compute the expence at about two and a half to three per cent. exclusive of all risk of getting it on board.

Is the risk of getting it on board lately increased?—No, I think not; on the contrary I should think that hazard diminished.

What are the causes which have produced that high rate of exchange between Jamaica and Great Britain?—The rate of exchange between Jamaica and Great Britain is affected by different causes; but the principal reason which has of late occasioned so high a rate of exchange, has been the great export of manufactures from this country through that channel for the supply of the Spanish settlements, which of course created a great demand for the means of remittance to the manufacturer and others who had exported them. Goods to great extent and value being sent from this country and sold to the Spanish settlers, the returns were to be made in such mode as best suited the convenience of the parties or as could be accomplished; this necessarily occasioned a great demand for bills of exchange upon Great Britain, and in proportion to that demand the value or price of those bills must be regulated: the returns for those goods from the Spanish settlements are made chiefly, but not entirely in specie.

What is received at Jamaica as a return from the Spanish settlers?—Chiefly specie, and that silver; the returns in gold bear no proportion.

Does the specie so brought to Jamaica constitute a current payment in that island?—It does.

Then does not the rate of exchange with England conform itself to the existing value of that coin, or at least if it varies, is not the variation limited to the sum, or nearly the sum which it must cost to bring that coin to England?—The exchange is undoubtedly regulated in a considerable degree by the value of specie in this country, and the expence of transporting it, but does not entirely conform to it, because there are various other modes of making remittances from the West Indies to Great Britain, independent of what is done in specie, and the exchange will be governed to a certain extent by the value here of many articles of West India produce which in proportion to their prices enable the residents in that country to draw more or less against them; for instance, if a hogshead of sugar is worth only 10*l.* in this country, the proprietor resident abroad has not the means of drawing upon it half the amount as when it is worth 20*l.*

Have you ever known the exchange with Jamaica below par?—Yes, but only for one period in twenty-five years that I have known the island; I think it was about the year 1791 or 1792.

Previous to the last two years, were the rates of exchange generally speaking steady or fluctuating?—The rates of exchange were always variable.

Were they so in any considerable degree?—The rate of exchange has been higher during the last two years than ever I knew it before; but the rate of exchange is always fluctuating.

To which of the Spanish settlements are the manufactured goods you have been speaking of principally exported?—They are exported to all the surrounding settlements, to the coast of the continent, and to Cuba.

From what period has this great export of goods taken place?—The trade between Jamaica and the Spanish settlements is very much increased, since an interruption was given to the commerce carried on between America and those countries; it has also been extended considerably since the commencement of the French usurpation in Spain.

As the island of Jamaica exports a considerable part of its produce to England, the natural exchange, according to the principles of the balance of trade, would be in favour of Jamaica?—The chief part of the proprietors of Jamaica are resident in England, and the exports from Jamaica are either remittances to them for the produce of their estates or as payment of debts due to this country, which in my opinion occasions the balance to be in favour of England instead of Jamaica.

Are you able to say, whether the export to Jamaica was greater in the year 1809 than in the year 1808?—I cannot speak precisely to that point, but I rather think it greater in 1808 than in 1809.

Can you state any opinion, how long after merchandize is exported from England to Jamaica, to be sent from thence to South America, it is before any remittances are made to the manufacturer in England for that merchandize?—I am afraid my information will be defective upon that point; it depends upon a variety of circumstances; the supply that may be in the foreign market, and the demand for goods. When the intercourse between the Spanish colonies and Jamaica was so great, and the demand for goods so brisk, at one period in the year 1808, large sales were made in Jamaica for immediate payments in money, and consequently the returns to the manufacturers or exporters were quick; but since that time, from an over-supply, I apprehend, to the Spanish markets, the sale of such goods has been heavy, and it is impossible to fix any definite period for the returns being made.

Can you say whether the returns are made in 6 months, in 9 months, or in 12 months; I wish to confine the question to the year 1809?—In the year 1809, I should think that hardly in any instance could the manufacturer receive any return in twelve months from those markets.

Then the Committee are to understand, that it is your opinion that no returns or but small sums have been made for the exports of the year 1809?—I should so conceive.

Are you acquainted with the nature of the trade between Great Britain and the other free ports of the West Indies?—Not practically: I apprehend it is much the same as that carried on from the free ports of Jamaica.

Has the trade in bullion consisted of gold or silver, and what proportions of each, from Jamaica, for the last two years?—Of both; but the proportions I am unable to state.

State to the Committee any estimation of the quantity of Bullion which has been imported from the island of Jamaica within the last two years.—I cannot, not having taken any pains to inform myself.

Can you state what is the amount of silver which has been imported direct into this country from the port of Vera

Cruz, within the last 2 years?—I cannot state the amount, but it must have been very considerable.

Estimate, as near as you can, the amount.—I should suppose from fifteen to twenty millions of dollars.

Have you any guess as to the quantity of gold?—No not the least.

Whether or not, according to the best of your knowledge, and opinion, a considerable portion of British manufactures, which used three or four years ago to proceed through the United States of America to the Spanish and Portuguese colonies, do not now find their way thither through Jamaica and the other free ports of the West Indies?—There being no Portuguese settlements in the vicinity of Jamaica, I cannot speak to the trade with them; but, in my opinion, a very considerable part of the supply of manufactured goods now furnished to the Spanish colonies from the free ports of Jamaica, used formerly to be furnished from the United States of America.

What do you consider the cause of that change?—One very powerful cause was the operation of the American embargo which succeeded immediately to the passing the Orders in Council in this country; which necessarily threw a very considerable portion of the trade into this channel.

You have stated that the exchange with Jamaica has risen considerably within the last 2 years; can you state whether the quantity of gold and silver contained in the coins in which the current payments are made in Jamaica, has remained the same as before that period?—I believe it has, I have no reason to think the contrary.

Does any part of the currency of Jamaica consist of paper?—There is no regular issue of paper by any bank or banking company; the acceptances of private individuals, and certificates for the public debt of the island of Jamaica, are occasionally passed from one individual to another in payments.

Small payments?—Not small payments.

Are those certificates ever made use of as remittances?—I never knew them used as remittances.

Whether you do not consider the usurpation of Spain by the French to be a principal cause of the increase of the export of British manufactures to the Spanish settlements through the West Indies?—Undoubtedly I consider it as one cause, and have so stated in a former part of my answers; but undoubtedly I consider as a more powerful cause, at the same time, the American embargo.

Aaron Asher Goldsmid, esq. called in.

I wish to correct the minute of my former evidence of the 22d instant, with respect to the value of French and Dutch gold coin, as compared with bullion of the same fineness;—louis d'ors and napoleon d'ors have an extrinsic value as coin of about one and an half per cent.; whereas the extrinsic value of doubloons and Portugal gold is above two per. cent.

March 1, 1810.

Francis Horner, esq. in the chair.

John Louis Greffulhe, esq. called in, and examined.

In what line of commerce are you?—A general merchant, trading chiefly to the Continent.

Are you acquainted with the subject of the exchanges between this country and the Continent?—I have been in the habit of doing business in exchanges.

What are the principal places with which the exchanges are established at present?—Hamburgh, Amsterdam and Paris.

What is the present rate of exchange on Hamburgh?—Twenty-nine Flemish shillings, bank money, to a pound sterling.

Has it varied much within the two last years?—It has.

What was it two years ago?—If I recollect right it was between thirty four and thirty-five.

What difference per cent. is there between that and the present course?—About 16 a' 17 per cent.

What is the Flemish shilling?—The Flemish shilling is a nominal value; twenty shillings are a pound Flemish; a Flemish is equal to 7 ½ marcs.

What does it represent nominally in silver or gold, and how much?—A quantity of bar silver of the standard of 47/48 purity at the price of banco mark 27/10 per mark weight. The payments at Hamburgh are made altogether in bank money by a transfer at the bank from one account to another; there is an agio, which is pretty steady, of 23 a' 24 per cent. for bank money above current money.

Is that agio the same in peace or war?—I am not aware of any difference occasioned by peace or war.

Is that current money a silver money altogether?—Silver and gold both; it is a matter of no interest to the merchant here what the current money is at Hamburgh, so few transactions take place in the current money.

What quantity of silver are you entitled to receive from the bank for any given amount of bank money?—Bank money is obtained against deposits of silver in bars, at the rate of below M. B. 27. 10 per mark weight of 47/48 purity, and their silver returned on demand against bank money at below M. B. 27. 12. which difference is applied to the charges of the establishment.

Has there been any difference within the last few years in the intrinsic value of bank money?—Certainly not to my knowledge.

Are the several continental coins of the surrounding countries for which the bank money is exchangeable, the same coins in point of intrinsic value for which the bank money has been exchangeable for some years past, and is the agio also continued the same?—I am not aware of any difference in the intrinsic value of the current money, of course if any change had taken place in the intrinsic value of coins for which the bank money is exchangeable, a difference would have been made in the agio.

To what do you ascribe the fall of exchange between London and Hamburgh, near 18 per cent.?—Altogether to the commercial situation of this country with the Continent, to the circumstance of the imports and payments of subsidies, &c. having very much exceeded the exports.

Do you speak of the last two years?—Particularly of the last year, it is only within the last year that the exchange has fallen so much.

Do you judge of the balance of trade having been against this country in the last year, from the state of the exchange, or from your own knowledge of the excess of the imports above the exports?—I certainly judge of it in a great measure by the state of the exchange, which, according to my apprehension of the subject, can only be influenced by the balance of trade; but this is strongly corroborated by those circumstances which fall under the general observation of every practical merchant.

State those circumstances upon which you found your conclusion, that in the last year, while the exchange has been low, there has been an actual excess of imports above the exports.—It is a notorious circumstance, that imports from several quarters have been most enormous, while the exports, owing to political circumstances, have been very much checked. This I consider to receive a very strong proof from the circumstance of most of the articles imported into this country from the Continent, being here at moderate prices; such at least as will afford no profit, or very small profit, to the importer; in fact, some of them considerable loss; whilst most of the principal articles of export from this country to the Continent command prices upon the Continent from 50 to 200 and 300 per cent. higher than the prices existing here: which, according to my conception, clearly proves that the imports have been superabundant, and exports very much curtailed.

Do you mean that there has been such a difference between the invoice prices?—I am speaking of the result of any commercial adventure, either import or export.

When you state this excess of import above export, do you mean an excess of amount to the prices you have now stated?—I mean, that upon striking a balance between the amounts to be paid and the amounts to be received in this country, that balance is to a very considerable amount against this country. It is to be observed, that goods imported by the British merchants are paid immediately, while the returns for exports are slow, and cannot yet (for the last year) have produced their due effect upon the Exchange: the imports from the Baltic, for instance, are of very considerable magnitude, and it is known that the export from hence to the Baltic in goods and merchandize bears but a very small proportion to them.

Have not the exports to the Baltic always borne a very small proportion to the imports from thence?—Always an inferior proportion, but not in the same degree as at present.

Have not the imports from the Baltic in the year 1809, been double the amount of the imports from the Baltic in the year 1808?—I should think considerably more than double of that amount.

Have the exports to the Baltic been larger in the year 1809, than they were in the year 1808?—Probably larger, but not considerably so.

Whether imports have not been made from the different ports of the Baltic in foreign ships, in the course of the last year and in the year preceding, with very little difficulty?—With very little difficulty indeed; a circumstance which made this item in the balance of trade particularly heavy against this country is, that the whole of that enormous trade has been carried on in foreign ships, which have been engaged at very heavy rates of freight, the whole of which freights must be remitted out of the country. There is another instance, one amongst many; I mean the imports of wines and brandies from France, which have amounted to very considerable sums, and in return for which no merchandize whatever has been exported from this country.

You have stated, that the freight paid to those foreign ships has been high; how much per cent. in your opinion, upon the articles imported from the Baltic, has been paid for the freight upon the value of those articles?—I conceive that the average rate of freight may amount to 50 per cent. upon the original cost of the goods.

What was the average rate of freight upon the original cost of the goods also, when they were imported in British bottoms?—I cannot answer that question correctly from memory, but I believe from 10 a' 20%.

Have not the difficulties of exporting merchandize in foreign ships to the Baltic been much greater than in importing goods from thence?—More difficulty has attached to the admission into Russian ports of English merchandize, than to the export of the produce of the country.

Have the great imports from the Baltic which you have described, been any portion of them in payment of former debts to this country?—Not to my knowledge.

Have they been in any degree on account of British merchants who have returned home from that country, and who could not at first bring home their property?—They probably may in some degree, but that is a circumstance which I have no means of ascertaining.

Are you of opinion that this excess of imports from the Baltic above the exports thither, must be equalized by some other branch of exports in the general trade of this country?—The imports must be paid for, and therefore of course must be remitted out of the country in some shape.

You have stated, that within the last year there has been a general excess of imports above the exports; in what manner, and within what period, do you conceive that this excess will ultimately be paid for by this country?—By the exportation of bullion in the first place, and ultimately by the fall of the exchange; which, when the bullion is exhausted, must fall to a rate by which the balance will be ultimately equalized.

Do you conceive that there has been already an exportation of bullion in part discharge of that debt by this country?—Unquestionably.

After as much bullion shall have been exported as the country can send out, in what manner will the fall of exchange discharge the remainder of the debt?—By the circumstance of the exchange falling low enough to force exports and prevent imports of merchandize, by which the balance will in course of time be settled.

To what point must the exchange fall before this exportation is forced in the manner you describe?—That must depend, as I conceive, upon the amount of the balance to be settled.

What is the expence of transporting specie from this country to Hamburgh?—I have not sent specie myself, so I am not competent to answer that question.

Do you conceive it to be as much as a charge of 18 per cent.?—No, not 18 per cent.

How much less?—I really must decline answering that question, as I am not accurately acquainted with it.

From what other ports besides the Baltic has there within the last two years been an excess of imports above the exports?—I answered that question partly just now, by stating that wines and brandies were imported from France to a considerable amount, in return for which no goods have been exported.

Has there been any excess of imports above exports from the North of Germany or Holland?—From the North of Germany decidedly, I should think, an excess of imports; not from Holland, though the imports from thence have been large; Holland, and particularly the Ems, have been the principal point through which the exports have latterly gone.

Has there been an excess of exports above imports to Holland?—I should think there has.

To a considerable amount?—Yes, to a considerable amount; but chiefly during the last year.

What have the exports to Holland chiefly consisted of?—Colonial produce and British manufactures.

Have the prices of the articles exported to Holland been high there?—Very high; they have yielded very considerable profit.

As high as you described in a former answer, with respect to the prices of our goods in the foreign market?—Yes; I refer to that answer.

Has the excess of exports to Holland contributed to pay for the excess of imports from other parts of the world?—Unquestionably.

Can you state nearly, what proportion the excess of exports to Holland bears to the excess of imports from other parts of the world?—No, I cannot, without much minute examination.

Has it been nearly equal, do you think?—Decidedly not, I should say, from the state of the exchange, and the general circumstances I have stated before.

Do you know whether any considerable export of cottons to the continent has taken place during the last two years?—Some export of cotton wool has taken place, but has been checked by the board of trade here, who thought proper to stop it. They have changed their determination with respect to that article two or three times in the course of the year, by alternately prohibiting and permitting it. The difference of price of that article in this country and the continent at present is enormous; a pound of Brazil cotton selling here for 2*s.* is worth 6*s.* at Amsterdam, and 8*s.* at Paris.

Is it at present prohibited?—It is.

By prohibition, do you mean that the council refuse licences?—They do refuse licences.

Are you of opinion, as a continental merchant, that any considerable export of that article would have taken place in addition to what has actually been exported within the last year, if the export had not been occasionally interrupted?—Very considerable, I should think.

Can you state, for about how much of the last year the export of that article has been interrupted?—I can only state it loosely from memory; perhaps about half the year.

Are there any other articles of which the export to the continent has been interrupted?—Excepting bark, I am not aware of any article of merchandize; but I ought to advert to foreign coin and bullion, which, in my opinion, it would have been wise and expedient to allow to export to enemies ports, but for which the board of trade have persisted in refusing licences.

Has the export of colonial produce to the continent been considerable within the last year, as compared with the former years?—It has certainly increased within the last year.

Has the excess of imports above exports, which you have described to have been the general state of trade within the last year, been owng in any degree to the export being less free than you conceive it might have been?—Certainly, in some instances; and particularly at this moment I conceive that the board of trade might promote an increase of the exports to France.

Proceed to state what other causes you would assign for the present low state of exchange with Hamburgh, other than that excess which you have described of the imports above the exports.—I conceive the answer which I have given upon the subject of the excess of imports to apply generally to all continental exchanges; another principal cause of the low rate of exchange I conceive to be the stoppage of the American trade, owing to the restrictions imposed in America, by which Americans have been prevented from carrying their own produce, and the produce of the enemy's colonies, to the continent of Europe, which would have operated upon the exchange in a great measure as an export from this country, the greater part of the returns of such American exports to the continent of Europe consisting of goods exported from this country to America.

I understand you to mean that such an export from this country to America would have equalized the excess of imports into this country from the continent?—The export that I alluded to from hence to America would have been paid for by remittances from the continent arising out of the proceeds of such goods as the Americans would have carried there, which of course would have created a demand for bills upon England, and thereby kept up the exchange.

And should not we in the same manner have paid for our excess of imports from the continent, out of what was due to this country from America in consequence of these exports?—Undoubtedly.

Is it your opinion, therefore, that the effect of a long continuance of those

American acts would be to render us unable to make as large an importation from the continent as we have latterly done?—In a great measure, during a certain space of time, if they were strictly carried into effect.

Have you any other causes to assign for the present low state of our exchange with the continent?—I recollect no other commercial circumstance sufficiently material to deserve the attention of the Committee, but the continental expenditure of government for subsidies to foreign powers, pay of troops, and other purposes, has no doubt materially affected the exchanges. Perhaps I should add in reference to the last two or three years, that most export articles have till lately ruled the low prices here, owing to the impediments on the continent; of course the sum payable by foreigners for their supplies has been reduced accordingly.

What is the present course of exchange between this country and Amsterdam?—The exchange upon Amsterdam is 31*s.* 6*d.* Flemish for a pound sterling.

Is that bank money or current?—Bank money.

What is the established par at Amsterdam?—I am not aware of an established par at any foreign place.

What do merchants call the established par between Great Britain and Amsterdam?—I must refer to my last answer: the par of exchange is of no interest to the practical merchant; it is the equality of currencies; if 20*s.* which compose a pound sterling, were taken new from the mint and carried to Amsterdam, and there reduced to the Dutch standard, and coined into guilders, the amount of those guilders would constitute the par of exchange.

Do not you mean that the real par of exchange between any two countries is an equal weight of silver of the same fineness expressed in the respective denominations of the two currencies?—Yes, but I do not know that it ought to be taken rather in silver than in gold.

Supposing a par of exchange to be fixed as between two currencies, would not that par of exchange be altered if one of the currencies became debased?—The course of exchange certainly would.

Supposing the par to have been established between Hamburgh and England, and subsequently to that time that the coin of either country became debased, would it not happen that, for the convenience of commercial calculation, a new par would be nominally established?—The convenience of commercial calculation does not require the establishment of a par of exchange; the intrinsic par or relation of currencies would of course vary according to such debasement, but the effects of the latter would become apparent in the course of exchange.

What is the present course of exchange between this country and Paris?—At 20 livres for a pound sterling.

What is the established par?—The par of exchange upon Paris has always been considered to be 24 livres, I believe; that is certainly not correct, it ought to be nearer 25 than 24; it proceeds upon a supposition of the French half-crown being equal to the English half-crown, which is not correct. I have not at present the means of establishing the comparison of the coins, but as near as possible I think it may be stated at something about 25 livres.

Since you became acquainted with the trade to the continent, are you aware of any change having taken place in the state of the French currency, by which the exchange may have been affected?—None whatever: an alteration has taken place in the coinage, which is unconnected with the exchange.

What change has taken place in the coinage?—Gold pieces of 20 francs have been coined, and the old coin was worth 24 livres; these gold livres are called napoleons.

Has any change taken place in the weight of the silver coin?—Certainly there has in the weight, but none in the relative value; pieces of 6 francs have been coined.

Are you acquainted with the prices of gold in the foreign markets?—I cannot state them accurately from memory.

Can you state whether any change or not has taken place in the price of gold in any of the foreign markets within the last year?—No very material change, that I am aware of.

What is the present price of bar gold, of our standard, at Hamburgh?—I cannot state it from memory, but I can refer to it.

At Hamburgh and Amsterdam, is the price of gold bullion quoted in bank money?—At Hamburgh, in bank money; at Amsterdam, in current money.

Do you know whether in any of the foreign markets with which you are acquainted, there is at present an agio upon gold as exchanged for silver?—There generally is in all the foreign markets.

Is it so at Paris at present?—I cannot at present state.

Does your experience, as a merchant dealing in foreign exchanges, enable you to give an opinion whether the excess of paper currency in any country would have any effect in lowering the exchange of that country with others?—A forced paper currency certainly would.

The question goes to an excess of paper currency, whether forced or not?—I cannot well conceive a paper currency being permanently excessive, unless it is forced.

But in the case of a paper currency being forced, is it not the circumstance of its thereby becoming excessive, and not the circumstance merely of its being forced, that has a tendency to lower the foreign exchanges?—I conceive it in the first place to arise from that paper being excessive, and in the next place from that paper representing no real value.

Can you state what is the present course of exchange with the United States of America?—The exchange in America upon England has been in favour of England for a considerable time; (there is no exchange in England upon America). I do not know what it has been very recently, but probably it is lower, perhaps below par, in consequence of considerable exports having lately taken place from America; during the suspension of those exports the exchange of course, was in favour of England. I would indeed lay some stress upon this circumstance, as supporting my opinion that the exchanges are influenced by commercial causes only. During the depreciation of English currency on the continent of Europe, a premium was paid for it in America in hard dollars. The United States were then, in a great measure, situated with respect to England, as England is situated with respect to the continent of Europe.

When speaking of the exports and imports between this country and the Baltic, did you take into your consideration the quantity and value of bullion exported?—No; I only alluded to the relative amount of goods or merchandize.

Why do you not consider bullion as an article of merchandize?—I do consider it as an article of merchandize, but I was endeavouring first to state the difference between goods imported and exported. I consider the exportation of bullion to take place as the means of settling that balance; that difference.

Do you conceive that an excess of imports above exports can account for the rates of exchange continuing as high as 16 per cent. against this country for a permanent period of time?—I certainly think so. I conceive the cause of the present state of exchange to be entirely commercial, with the exception, I should add, of the payments which government have had occasion to make upon the continent, in the shape of subsidies, the payment of troops, &c.

As the par of exchange between two countries is computed on the calculation of the value of the respective currencies, do you not conceive that the rates of exchange will fluctuate with the fluctuations in the intrinsic value of the currency of either country?—Certainly.

Is not the present standard gold coin of the value of *3l.* 17*s.* 10½*d.* per ounce?—It is.

Is not the present market price for gold to export above *4l.* 10*s.*?—I believe it is *4l.* 10*s.*

As the receiving a part of the remittance from Lisbon is paid in paper, and occasions a loss in the exchange of about 9 per cent. does not the circumstance of our receiving bank notes in payment in London alter our exchange with foreign parts in the proportion of *3l.* 17*s.* 10½*d*, to *4l.* 10*s.* the difference of value between the two?—In Portugal, bills are paid one half in a forced government paper, which loses a regular per centage compared to specie, in all internal transactions. In England we have no forced paper, no difference is made in favour of specie in internal transactions; and the high price of bullion against bank notes is only owing to the demand for exportation. The two cases, therefore, are in my opinion quite dissimilar. I conceive that the state of the paper currency of this kingdom, and the state of the exchanges upon foreign parts, are two subjects almost unconnected, and that have but very little influence upon each other. As some corroboration of this opinion, I beg leave to adduce the two following facts, from which it appears that at two several periods, the exchange for a length of time improved in favour of this country, while the amount of bank notes was gradually increasing:—Early in 1797, when the suspension of cash payments took place, the exchange upon

Hamburgh was about 35/, and the amount of bank notes in circulation about 11 millions; the exchange gradually rose during 1797 and 1798 to 38/, and ruled between 38/ and 36/ till July 1799, though at the same time the amount of bank notes increased to 13½ millions and more:—Again in 1800 and 1801, when the exchange fell nearly to its present rate, viz. under 30/, the amount of bank notes was between 15 and 16 millions; the latter progressively advanced to 18 millions and more in 1802, 3, 4, and 5, while during the same period the exchange rose to 32/ in 1802, 34/ in 1803, 35/ in 1804, and 35/8 in 1805.

If a bill of exchange for 100*l.* is remitted to me from Hamburgh, what do I receive for payment?—A bank note.

If my correspondent desires to have gold for that 100*l.* note, how am I to procure it?—Of course you are to buy it at the market price, as you would any other commodity.

And then reckoning the difference to be about 16 per cent. if in the first instance the foreigner could receive gold, would he not give 16 per cent. more in exchange?—Yes, nearly so, because no laws can prevent such gold from being exported. But were it practicable to enforce the existing prohibition completely, it is clear that as the foreigner could not get his 100*l.* in gold coin, he would not pay the additional price for the bill; Guineas in that case would bear no superior value to bank notes, and exportable gold would sell for 4*l.* 10*s.* against guineas, as it now does against notes. What I mean to prove by this is, that the high price of gold should not be ascribed to bank notes, but altogether to the foreign demand.

If bank paper and gold exchanged even, would not the currency to the foreigner of about sixteen per cent. be the supposed difference between the bank note and the bullion to be purchased?—I do not clearly understand this question. But the low exchange in my opinion does not arise from our receiving bank notes in payment for bills; the specie of the country is exhausted by our foreign balance, and would not be more abundant, (at least in no degree worth mentioning), if bank notes were not in existence. Whatever means might in that case be devised to answer the purposes of trade and circulation, gold and silver would remain equally dear; that dearness, therefore, cannot be called a discount on bank notes.

If a merchant in Hamburgh sends over to this country a bale of goods, which he would invoice to his correspondent at 100*l.* if he could get gold in payment; must he not now invoice it at 116*l.*?—I refer to my former answer.

Do I get less foreign money for 100*l.* bill drawn upon Hamburgh than I used to do?—Yes.

If I send a bale of goods thither, do I get more foreign money than I used to do, supposing the price of the commodity not varied?—Certainly not.

If then the goods fetch the same, and the bill drawn fetches less foreign money; is it not the case that gold is not varied as to itself, but as to paper?—The foreign money will buy a bill upon this country to a larger amount. But I must again refer to my former answer.

Were the circulation of this country confined to gold and silver, which by law is prohibited to be exported, would the exchanges have any effect or influence more than they now have, the payments being principally made in bank notes?—I conceive it would produce no difference whatever on the rate of exchange, supposing those laws completely carried into effect.

You have assigned as the principal cause of the rate of exchange, the balance of trade being against this country; do you not rather mean the balance of payments?—I certainly meant the balance of payments, having before adverted to the payments of Government for subsidies and other purposes, which are to be taken into the general account.

May not the balance of trade therefore be in our favour, while the balance of payments remains against us?—The balance of payments for the year may be against us, while the general exports exceed the imports. Returns are now, even from neighbouring quarters, and from distant parts of the world may be, delayed not only for months, but for years.

You have assigned as a cause of the present low rate of exchange, the suspension of the American trade with the Continent; has there not, within the year, been considerable exports from America to Tonningen, and other parts adjacent?—My remark was made generally; but to render it quite correct, I certainly ought to say the partial stoppage of communication.

Have not those supplies to the Continent which used to go directly from America, within these last twelve months proceeded from this country, through the medium of Heligoland; and if so, would not such exports produce the same effect upon the exchange as if they had gone from America:—A considerable trade has, no doubt, been carried on through Heligoland, but only very partially consisting in articles derived from America.

Supposing the metallic currency of any country should, from any cause, become excessive, and the means of exporting bullion or specie from that country, should at the same time be effectually obstructed, do you conceive that such a state of things would tend to create a course of exchange unfavourable to the country so circumstanced?—That surplus of currency would, in my opinion, certainly tend to enhance the price of all commodities, and to depreciate the exchange. But I do not conceive this to be applicable to the Bank paper currency of this kingdom, which, from its nature, and from the manner in which it ought to be, and I believe is issued, can scarcely, in my opinion, be carried to an excess: it is only called forth by the real wants of trade and circulation, and is always represented by a valuable consideration. I conceive, that as long as bills of undoubted solidity are sent into the Bank for discount, the Bank are fully justified in issuing their notes against those bills, without any fear of the amount of their currency becoming excessive. The increase in the amount of bank notes in circulation within these few years, is, in my opinion, accounted for, in the first place, by the increased commerce of the country, and in the next place by the increase of the public debt and the consequent taxation, which has the effect of enhancing the prices of all commodities; and the amount of currency required for the purpose of facilitating the exchange of those commodities, or in other words, for trade and circulation, must naturally increase in the same proportion.

When you say "enhance the price of all commodities," do you include foreign bills of exchange among those commodities?—Certainly not; I am now alluding to the internal concerns of the kingdom, which I conceive to be altogether distinct from its foreign trade.

Do you then conceive, that to whatever extent the Bank affords facility of discount, either to the Government or to individuals, provided the security be good, and payable at fixed dates, that no excess of circulation in bank paper can possibly take place?—I conceive that the wants of the circulation are of course confined to a certain sum; whatever proportion of that sum is invested by the Bank in government securities, will diminish in the same proportion the calls of the public upon the Bank for discounts; the amount of notes, therefore in circulation, will remain the same. The point where, in my opinion, the Bank ought to stop in such purchases of government securities, is when good responsible bills are no longer sent into the Bank by the public for discount; that I conceive to be a certain sign of the wants of circulation being fully supplied, and any subsequent issue becomes, in my opinion, an excess of paper currency.

Suppose an advance to be made upon goods that may be pledged with the Bank instead of bills, would that, in your opinion, create an excess of circulation?—I conceive it to be highly proper that the securities discounted by the Bank should be payable at short and fixed periods.

Do you conceive that all that would be requisite to prevent a depreciation of paper currency in any country would be, that such paper should in no instance be issued but as the representative of a good security, payable at a fixed period?—I answer that in the affirmative certainly.

Do you conceive that there exists the same security for the public against the inconvenience of an excess of circulation when the payments in cash at the Bank are suspended, as when the Bank was at liberty and under obligation to make its payments in cash?—I conceive so, if the Bank strictly adhere to the system of discounting no bills but of undoubted solidity, and government securities; the latter with due moderation, and the caution pointed out before.

Are you aware of the practice that prevails among country bankers, with respect to discounts and advances in their paper?—I partly am.

What is that practice?—The country banks are in the practice I believe of issuing notes upon the security of goods, houses, and lands, in addition to the ordinary discount of bills of exchange.

Of course the security upon which those advances are made, is not convertible at any fixed period?—I believe not.

Do you conceive that from this practice of the country banks, an excessive circulation may arise?—I am inclined to think that the system of country banking has been carried too far in this respect.

Are you of opinion that if the country

bankers confine their advances within the same limits as to the description of security which prevails in the Bank of England, that the accommodation afforded by them to the public could not lead to any excess in the circulation?—I believe not; I think the same principle will apply to the country banks that I applied to the Bank of England.

Then assuming there to be some excess in the circulation, the cause to which you would ascribe it is this practice of the country banks?—I am inclined to think so.

Is it your opinion that there is now, or has been at any time, such excess in the circulation?—I believe at some periods certainly too much facility has been shewn by the country banks in the issuing their paper.

Do you think that inconvenience exists, or has existed, within the last six months?—I should think it has, and now does in some degree.

March 2, 1810.

Francis Horner, Esq. in the Chair.

Mr. ———, a Continental Merchant, called in, and examined.

Are you acquainted with the subject of the exchange between this country and Hamburgh?—I am, and with other foreign countries.

What is the present rate of exchange between this country and Hamburgh?—The rate of exchange from this country on Hamburgh has varied lately; the last post it was quoted at about 29, which means *29s.* Flemish for *1l.* sterling.

Is the shilling Flemish, or the stiver, a real coin?—The shilling Flemish is not a coin no more than the banco marc, which banco represents a certain weight of silver. A shilling Flemish means six stivers banco of Hamburgh, and sixteen stivers banco are one marc banco. In the actual currency too, sixteen stivers are equal to one marc.

Then does the banco marc represent a fixed quantity of silver of a fixed fineness?—Yes; for 27 marcs 12 stivers banco, you get one marc of Cologne weight of silver, perfectly fine, without any alloy; that is, for one banco marc, you get $10\frac{42}{111}$ gran. Col. of such silver.

Can you compare the marc Cologne with English weight?—Sixty-five ounces of English standard silver contain eight marcs of Cologne fine silver.

What do you state to be the real par of exchange from England on Hamburgh?—I first wish to state my general idea of a par of exchange; it is the expression in the coins or denominations of the two currencies which are compared, of an equal weight of silver of the same fineness. I have no idea how a par can be ascertained without the precious metals being the foundation. The Hamburgh currency is founded on silver, and the British currency is principally founded on gold; the par of exchange cannot therefore be ascertained without fixing a relative value between these two metals.

If the relative value of these two metals in the bullion market be known, and be the same in two countries, may not the par of exchange be ascertained between those two countries, although the currency of the one be gold, and that of the other silver?—Yes, provided the exportation and importation of gold and silver be perfectly free.

Between two such countries, does not the par of exchange vary with the variations in the relative value of the two precious metals?—Yes; the par will vary if the relative value of the two metals varies.

And if the relative value of the two precious metals varies unequally in the two countries at the same time, must not that inequality be likewise taken into the calculation in ascertaining the par?—Yes, it must.

State in what manner you apply those general ideas to the statement of the par of exchange as between England and Hamburgh.—Taking gold at the coinage price of *3l. 17s. 10½d*, and taking it at Hamburgh at what we call its par, which is 96 stivers banco for a ducat, and further reducing 55 ounces of standard gold, as being equal to 459 ducats, it produces a par of exchange of 34/3½ Flemish for a pound sterling: a ducat contains at the rate of 23½ carats in 24.

What do you mean by the par of gold at Hamburgh?—I mean the par of its value in banco, which is not fixed by law, and which in fact varies daily, but which is called 96 stivers banco for a ducat.

In ordinary times, has not coin at Hamburgh an extrinsic value above the same weight of the same metal in the shape of bullion?—It has at Hamburgh.

Must not this extrinsic value be taken into account estimating the par of exchange?—No, not the par, in my opinion, upon the principle which I have already explained, but it may affect the course of exchange.

If the guinea were reduced a pennyweight, would it not alter the par of exchange?—Yes, certainly.

You have stated the present course of exchange from England upon Hamburgh to be 29 or thereabouts, how much does this differ per cent. from the par you have mentioned?—About 15 per cent.

What is the present course of exchange of Hamburgh upon London?—About 28.

What is the cause of this difference between the course from Hamburgh upon London, and that from London upon Hamburgh?—The major part of the exchange operations between Hamburgh and London being carried on at Hamburg, the course of exchange is principally fixed there, and receives its first impulse at Hamburgh; the course from London upon Hamburgh is regulated in a great measure by that from Hamburgh upon London: thus, when there are more bills than required for actual payments, merchants employ their capital partly in purchasing of surplus bills, and sending them to London to get returns; they have, therefore, to take into their calculation the amount of interest on the bills so sent, as well as on those received in return, together with two brokerages and a commission to the London merchant, which, at the rate of 5 per cent. interest, without any other profit, amounts to a difference of about 1*s.* Flemish in the pound sterling. When the difficulties of communication are greater, and the penal restrictions increase the dangers and difficulties of such transactions, an additional advantage is required by the curtailed number of adventurers going into such transactions; and thus, when those difficulties existed to the greatest extent, the difference of exchange was full 2*s.* Flemish.

Do not transactions of the same sort in the purchase of the surplus bills take place upon the London exchange?—Yes, but not to half the amount they do at Hamburgh.

What does the current money of Hamburgh consist of?—The coins in use to the greatest extent are the currency of all the surrounding states, such as Denmark, Hanover, Prussia, Saxony; in fact all the neighbourhood.

Are English guineas current there?—No, not current.

What is the reason why English guineas do not form a part of the Hamburgh currency, like the coins of other neighbouring countries?—The restrictions which are imposed upon the exportation of coin from this country do not exist in the States just now alluded to. Guineas are only exported when the intrinsic quantity of gold they contain make it worth while to melt them, and at a period when the rate of exchange is so much below par as to afford a considerable premium for so dangerous an undertaking, and when it cannot be worth any body's while to speculate in the purchase of them there, to return to England at a distant period, when the exchange must have risen so very considerably as to make it worth their while to return them.

If English guineas were freely exported, so as to become current at Hamburgh, is it your opinion that the same temptation would exist to the melting of them?—No, not in my opinion, because the rate of exchange could then never be much below par, and the prospect of selling them at a short period again above par would induce people to keep them in their original state.

If under a system of free exportation, guineas were at any time sent out from England to restore an unfavourable exchange with Hamburgh, occasioned by the balance of payments, is it likely that the same guineas would upon exchange being restored, find their way back to England?—Yes; and more particularly, so if in this country a moderate seigniory were put upon the coin; for instance, in Holland, where they coin millions of ducats, the more that goes out the better is their government pleased, because they make so much the more profit; in consequence of which, the Dutch ducat has become the most universal coin all over the Continent.

Is not that gain to the government, and loss to the public, in the degree that the seigniorage is paid?—Not to the people of Holland, in as far as it is principally paid by foreign nations; it exists equally upon every coin.

Has not a large quantity of circulating specie a powerful tendency to steady the course of exchange?—Yes, certainly, when its importation and exportation is not prohibited, and as forming the only basis that regulates the par of exchange.

Is not then any country, whose chief circulation is in paper, likely to experience great fluctuations in the course of exchange with other nations?—When that paper is not convertible into cash, it only represents, in my opinion, an ideal and not a real value, subject to public opinion, and consequently liable to the very great fluctuations which public opinions are subject to.

Does the current money of Hamburgh consist chiefly of silver or gold?—Principally of silver.

Does the currency of Hamburgh consist in any degree of paper?—No, with one exception; the bank of Altona issues some notes, payable on demand, which are convertible at all times into what they represent.

Are they for small or large sums?—I think the lowest one of the value of two guineas

Do those notes appear in large or in small payments at Hamburgh?—They are not much made use of at Hamburgh, but are meant more as an accommodation to the transactions in Holstein.

Is there not an agio at Hamburgh for banco above the current money?—Not according to my ideas; but on the contrary, it is the different current coins that bear an inferior value to the bank money, and which vary daily; every thing there being valued according to bank money, or a certain weight of fine silver.

Could you, by depositing a hundred pound weight of fine silver in the bank of Hamburgh, purchase such a credit in the Bank as would enable you at pleasure to take out an equal quantity of fine silver?—If the deposit is made in the old specie dollars, upon which the Bank of Hamburgh was founded about two centuries ago, the difference would not amount to above one per mil; as this coin has in a great measure disappeared, the principle of the Bank is now carried on more upon silver in bars of a great degree of fineness; the expence of refining, therefore, being taken into the calculation, the difference at present between such bars being given in or taken out of the Bank, amounts to nearly one-half per cent. to defray their expences; thus the Bank invariably gives credit for a marc weight of fine silver at 27 marcs 10 stivers banco; and if taken out, they value it at 27 marcs and 12 stivers.

You have stated, that while the value of banco money remains quite fixed, the value of all the circulating coins relatively to banco fluctuates; what are the circumstances to which that fluctuation is owing?—Partly an increased demand, arising from a variety of causes, and further, the state of the trade between the respective countries whose coins you allude to; for example, if the balance of trade between Hamburgh and any of the neighbouring states, from any sudden causes, should be very unfavourable to a great extent against such state, their coin will at Hamburgh fetch no more than what it will produce in fine silver when melted down.

Do you mean, that under certain circumstances of trade, the banco value of silver coins at Hamburgh may be so affected, that you will for a certain quantity of such coins, get credit in the Bank for more or less than the actual quantity of fine silver contained in that quantity of those coins?—The bank of Hamburgh receives no coins but a certain specie of dollars before alluded to, and bars of silver of 15 lot. 12 gran. per marc fine, which is 15¾ in 16 parts; the holders of such coins therefore, if they require to convert them into banco, must themselves get them refined to the necessary standard in bars.

Is silver of the fineness required, when received by the Bank, always entered to the credit of the bringer, at the same banco value?—Yes; this banco value represents nothing but a certain weight of fine silver.

Is the account kept by the Bank in the nature of a stock account, or a cash account?—The nature of the Bank is a simple deposit of fine silver, transferable from one person's account to another.

Does the bank at Hamburgh receive gold in the same manner?—No, nor does it even advance money upon a deposit of gold; being liable to be called upon for silver and nothing else, they might thus not be able to fulfil their engagements. Upon Spanish dollars they advance a moderate sum, on the principle that they can reduce them to that which they are liable to be called upon for.

March 5, 1810.

Francis Horner, Esq. in the Chair.

Mr. ———, a Continental Merchant again called in, and examined.

Have you ever known the exchange to fall to the extent of 12 to 15 per cent. in any part of Europe in which it was computed in coin containing a fixed quantity of gold or silver, or in paper or bank money exchanged at a fixed agio either for such gold or silver coin, or for gold or silver Bullion of a definite amount?—No, never, except in countries where the export of their currency has been effectually prohibited; such as Sweden.

Is it to Sweden only that you refer in

making that exception?—I do not just now recollect any other country where paper resting upon the foundation of coin, the latter is effectually prevented from being exported.

How is that prohibition made effectual in Sweden?—By the Bank not issuing specie to any amount when the exchange is depreciated.

What is the extent to which you conceive that the exchange is capable of falling in any country in Europe at the present time, supposing it to be computed in coin of a definite value, or in something convertible into a definite quantity of gold or silver bullion?—The charge of transporting it, together with an adequate profit in proportion to the risk the transmitting such specie is liable to, would be the extent of the fluctuation.

Can you state how much per cent. may be the present expence and risk of transporting gold from London to Amsterdam or Hamburgh, or any other principal places of trade on the continent?—Independent of the premium of insurance, it would be from 1½ to 2 per cent. from London to Hamburgh.

What do you conceive to be the amount of the risk?—The risk is so very variable from day to day, that it is impossible for me to state any fixed premium.

What do you conceive to have been the average risk for the last fifteen months?—About 4 per cent.

Do you not then conceive, that such fall of our exchange as has exceeded the sum necessary to compensate for the expence of transporting gold and silver in the last fifteen months, must be referred to the circumstance of the existence of a paper currency not convertible into specie?—Yes, certainly.

Do you conceive then, that out of the 15 or 20 per cent. which the English exchange has fallen in the last fifteen months, the larger proportion of from 10 to 12 or 13 per cent. may be referable to the circumstances of our paper currency not being convertible to cash?—I am clearly of that opinion.

Do you then consider our paper as depreciated 10 to 13 per cent. in consequence of its non-convertibility into cash?—As I value every thing by bullion, I conceive the paper currency of this country to be depreciated to the full extent of the 15 to 20 per cent.; or rather, the difference in this country between the price of bullion and the rate by which the coin is issued from the Mint.

Do you conceive the balance of trade with the continent of Europe to be now for or against this country?—I conceive it to be considerably in favour of this country, though not to the extent as generally stated in figures, those figures representing in my mind only about 80 per cent. of their nominal value.

What do you mean by stating that the balance is not so favourable as is generally represented in figures, those figures being only 80 per cent. of their nominal value?—As I value paper by the quantity of bullion it will obtain, and as it will not obtain above 80 per cent. of that which is represented upon the face of it, I conceive the balance to be diminished in an equal proportion.

Will not the same observation apply to the imports?—Yes: and therefore I do not state it upon both, but only upon the balance.

Supposing the Bank had for the last fifteen months paid in cash, and that guineas had been in general circulation, might not an unfavourable balance of trade have caused a fall in the exchange, to the extent of 5 or 6 per cent.?—Hardly so much: as speculations would have been entered into anticipating more favourable circumstances.

Can you state to the Committee in what manner and degree the exchanges in any parts of the continent first experienced a fall in those places in which a paper circulation not convertible into cash, or into any definite quantity of bullion, has been introduced; and in particular can you specify the extent of the fall which soon took place, and the period for which it lasted, antecedently to the establishment of any current or established agio or discount between the paper and the bullion or coin of the country?—To the best of my recollection, a depreciation in the exchanges has always taken place whenever a paper currency has been put into circulation, that was not convertible into cash. The strongest instance is that of assignats in France. At the present moment we have a very strong instance in the paper currency of Austria and Denmark, where a forced paper circulation exists; in consequence of which the exchanges upon those countries have varied in proportion to the difficulties that they have laboured under, and in proportion to the confidence founded in public opinion with regard to the credit such paper was entitled to. I do not know of any paper currency on the continent that is not convertible at all times into cash, which is founded at all upon a similar system of solidity to that in this country, where, although the paper may not represent what is expressed upon the face of it, it does represent a something in fact equally real, though not applicable to equalize the balance of trade.

Are not all the banks upon the continent, government banks?—The most of them are, and it is those I allude to; as such as are not under control of government, are obliged to fulfil their engagements.

Do not those which are not under government, limit the quantity of their paper; and is not its value in exchange for coin perfectly sustained?—Yes; for if they did not, they would be liable to suspend their payments.

Do not the government banks assist the government by loans of money, and extend their paper as their means of furnishing such loans?—Yes, those I have alluded to do so in the fullest extent.

Is not in fact the paper issued by one department of the government itself?—Yes, certainly.

Do you not conceive that the quantity of paper issued by those banks has an influence on its price?—Yes, certainly; and we have seen a strong instance of it last summer, when, from the extraordinary exertions of the Austrian government, a considerable additional issue became necessary, in consequence of which the exchange on that country fell an additional 50 per cent. and gold coin fetched from three to four times its nominal value there.

Did the Austrian and Danish governments receive their paper at its nominal value in the liquidation of imposts?—Yes, in a great measure from necessity, as hardly any coin was to be seen in those countries.

That was at the same time that an agio actually existed in those countries?—Yes, it was.

Do you conceive that the quantity of bank paper in England influences its price, and has an effect upon the exchange?—In my opinion, the same principles attach themselves to bank paper as to any other commodity, when carried to a certain extent.

Do you not conceive that the limitation of bank paper has a general tendency to improve the exchange, and to augment its price?—Its price would certainly, in my opinion, be enhanced by its limitation, or what is the same thing, the nomial value of every article would be reduced; when this reduction had brought the price of bullion to the Mint value, the exchange would be at near par. A further diminution of this, or any other circulating medium, would not tend to raise the exchange.

Does the paper issued by private banks and individuals, under existing circumstances, in your opinion affect the general value of paper?—In my opinion, much more so than that issued by the Bank of England, because, if I am justly informed, the Bank of England makes the greatest proportion of their issues only upon securities convertible at short periods; whereas the paper of individuals is to a certain extent frequently advanced, and represents that which cannot be brought into circulation, and thus may be doubly represented.

Do you not conceive that there is a most essential difference between the government banks on the continent and the Bank of England, inasmuch as the government banks on the continent make their issues of paper subservient to the convenience of government, whereas the Bank of England limits its loan according to its own discretion, and is in no degree dependant, in respect to the amount of its loans upon the government?—I believe I stated before that there is no government bank on the continent that rests upon the same principles of solid foundation as that in this country, where the principles adopted are the same as would be followed by any prudent individual in his own concerns, and where the advances to government are both optional and limited to what appears a very small proportion of their capital, and which, as well as their other issues, is convertible and comes round at short periods, substituting a moral for a physical tender; which in many cases, when it rests upon a solid foundation, is far preferable for internal circulation.

Do you ascribe what you call a depreciation of the paper of Great Britain, in any degree to an opinion of any insufficiency of the bank of England to fulfil all its engagements?—No, by no means; but to the circumstance of their not allowing bullion to perform those functions for which it seems to have been intended by nature.

Supposing the assets of the Bank of England to be notoriously equal to the repayment of even five times the amount of their paper at present in circulation, do you not conceive that, if their present issues were to be even doubled, the value of their paper would be diminished?—Having never heard the solidity of the bank of England doubted, either at home or abroad, I do not conceive that this would alter the present situation; and in proportion as the quantity of paper was increased, it must tend to lower its value when issued beyond what the circulation of the country requires.

Supposing that all the discounts of the bank of England were made in the metallic currency of this country, and that no paper currency whatever was known in their circulation, and that they could multiply those discounts in gold to any extent they pleased; and supposing that at the same time, the means of exporting bullion or specie from this country should be effectually obstructed; do you conceive that such a state of things would tend to create a course of exchange unfavourable to this country?—Yes, certainly, the same as if a solid paper system existed; but as it is proved that no penal laws can retain coin in the country, when the temptation is sufficiently great to export it, this is a position that in fact could not take place.

Then you conceive that if the circulation of the country consisted altogether of gold, and was carried to the same amount as it now exists in paper, the rates of exchange with other foreign countries would be the same as they now are, if the supposition of the former question could be real?—As I do not conceive that that is possible, I think the exchange would feel the effects of such a change in its circulation, partly in proportion to the degree that the exportations of coin would take place; but more particularly from the circumstance, that people would speculate upon such operations taking place, and thus opinions would raise the exchange nearly as much as an actual exportation of bullion.

To what causes do you ascribe the present unfavourable course of exchange?—The first great depreciation took place when the French got possession of the North of Germany, and passed severe penal decrees against a communication with this country, at the same time that a sequestration was laid upon all English goods and property, whilst the payments for English account were still to be made, and the reimbursements to be taken on this country; many more bills were in consequence to be sold than could be taken by persons requiring to make payments in England. The communication by letters being also very difficult and uncertain, middle men were not to be found, as in usual times, to purchase and send such bills to England for returns; whilst no suit at law could be instituted in the courts of justice there against any person who chose to resist payment of a returned bill, or to dispute the charges of re-exchange. Whilst those causes depressed the exchange, payments due to England only came round at distant periods. The exchange once lowered by those circumstances, and bullion being withheld in England to make up those occasional differences, the operations between this country and the continent have continued at a low rate, as it is only matter of opinion what rate a pound sterling is there to be valued at, not being able to obtain what it is meant to represent.

You have stated your opinion, that the unfavourable state of the exchange was occasioned by the decrees of the enemy prohibiting trade with this country; did not the prohibition on our part of the American trade to the continent, in a great degree aggravate the unfavourable state of the exchange?—As nearly the whole of the American importations into the continent are remitted by bills to this country, it must have had that effect in as far as it prevented the American trade going there; and further, I am of opinion that the exchange would be much lower at this moment, if it were not for the importations received from America into Holstein during the last six months.

What improvement has taken place in the state of our exchange within the last fortnight?—Between three and four per cent.

What demand of bills on England has been the cause of this improvement in the present state of exchange?—Principally, I believe it to be a great demand for bills upon the American property since the sequestration which had taken place in Holstein having been withdrawn, and partly by the payments of other importations during the summer from this country to the continent coming round, which are not at present, as formerly, anticipated.

Supposing no alteration to have taken place in the paper circulation of this country, do you not believe, that if the balance of the trade of this country with the continent had been in our favour during the last year, that the present unfavourable state of exchanges could not have existed, all other circumstances affecting the intercourse of this country with the continent remaining the same?—I have lately changed my opinion on this subject, and do not think that this balance of trade is the only regulator of the exchange when bullion is withheld; but in that case public opinion is substituted; for the same exchange may continue to take place at a reduced rate if both parties are satisfied.

The exchange against England fluctuating from 15 to 20 per cent.; how much of that loss do you think may be ascribed to the effect of the measures taken by the enemy in the north of Germany, and the interruption of intercourse which has been the result, and how much to the effect of the bank of England paper not being convertible into cash, to which you have ascribed a part of that depreciation?—I ascribe the whole of the depreciation to have taken place originally in consequence of the measures of the enemy; and its not having recovered, to the circumstance of the paper of England not being exchangeable for cash.

March 6, 1810.

Francis Horner, Esq. in the Chair.

John Whitmore, Esq. Governor of the Bank of England, called in and Examined.

Do you consider the amount of Bank of England notes during the last year to have borne nearly the same proportion to the occasions of the public as in former times?—The same proportion exactly.

In ascertaining that proportion, have you taken into consideration any increase of economy in the use of them among persons in the metropolis, or any diminution of the quantity of them circulating in the country, through the increase of country Bank notes?—I do not very well comprehend what is meant by the economy in the use of them.

We understand by it such improvement in banking, and in the system of effecting payments, as renders the same quantity of Bank notes equal to a larger amount of payments than before.—I am not at all sensible of any improvement that can have had any effect upon the amount of them.

Do you conceive that the quantity of Bank of England notes circulating in the country, has been at all diminished by any increase in the quantity of country bank notes?—The Bank has no means of knowing the quantity of Bank of England notes in circulation in the country. It is to be presumed, if there has been any increased circulation of country bank notes, that it must have driven the London Bank notes out of circulation; but that is only a presumption on my part.

Do you not conceive that many country banks may not have generally in their possession a smaller stock of Bank of England notes than heretofore, in consequence of their having for many years experienced no run upon them, and of their confidence having consequently increased?—I really have so little knowledge of country banking, that I have not the means of information to answer that question.

When you represent the quantity of Bank of England notes to be now only proportionate, as heretofore, to the occasions of the public, do you take into consideration the increased price of all articles, and the consequent increase of the amount of payments; and do you assume that the quantity of notes ought to be increased in proportion to that increase of the amount of payments?—The Bank never force a note into circulation, and there will not remain a note in circulation more than the immediate wants of the public require; for no banker, I presume, will keep a larger stock of bank notes by him than his immediate payments require, as he can at all times procure them. To illustrate this, the daily government purchases of stock, which are paid for in Bank of England notes at an early part of the day, will, I believe, be found to be bought frequently at a lower price than the other purchases of the day. My observation is, that the Commissioners have bought at a lower price than the public. [Question repeated.] I have taken into consideration not only the increased price of all articles, but the increased demands upon us from other causes.

What other causes do you refer to?—The other causes that I refer to are the increased importation from abroad, and the increased public revenue of the country, and the increase of the London payments in general.

Antecedently to the suspension of the cash payments of the Bank, was it not the practice of the directors to restrain in some degree their loans or discounts, in the event of their experiencing any grea demand upon them for guineas?—The Bank always act with that prudent caution, that their advances to the public upon discount can be called in in two months, or at furthest 90 days. [Question repeated.] A short time antecedently to the restrictions upon the Bank, they were seriously alarmed at a diminution of their coin, and did in some degree limit their advances, both to the public and to government. I would wish to be understood, that they do now set limits to their advances according to circumstances, and as their discretion may direct them.

The question goes to this; whether, antecedently to the suspension in 1797, a drain for guineas did not suggest to the Directors a restriction of their advances; for instance, did they not on this ground refuse to make the accustomed advances on the loan in 1783, when the drain of their gold was particularly great?—I am not prepared to speak to dates; but I have a recollection only of one instance, when the advance upon the loan was withheld. I believe that instance was in 1783, but I did not come into the direction till 1786.

Can you state generally, whether antecedently to the suspension of the cash payments, the Directors considered a drain upon them for guineas as a reason for restraining at all their loans or discounts?—I apprehend it was done upon a view of that and every other circumstance that attended the state of their affairs at that time: I think, in point of prudence, that it ought to have been a reason at that period.

Can you say whether in point of fact, prior to the suspension, such a reason ever did operate with them to restrain their advances?—Such a reason, connected with others, did certainly.

Did not the Bank Directors urge the repayment of part of their loan to government, as well as restrain their discounts, in the end of 1796 and the beginning of 1797, in consequence of their finding a large portion of their gold to be drawn from them at that time?—I recollect repeated applications to the minister of that day, Mr. Pitt, for him to reduce the amount of the advances the Bank had made to government. I would wish to add to this, that at that period the Bank had advanced to government a large sum upon treasury acceptances, which was the most objectional part of the advance in the contemplation of the directors. I perfectly well remember the Bank limiting a certain sum of discount to be made to each commercial house applying for it: that was the mode of diminishing the whole amount of discount. I wish also to add, that afterwards in the contemplation of many of the directors, this last was a measure to be regretted under the then circumstances, on account of the very considerable embarrassment and inconvenience occasioned by it to the mercantile world. To the best of my recollection this limitation of the discounts was some time before the suspension of the cash payments.

Did not this diminution of the discounts, produce a diminution of the Bank paper in circulation?—In point of fact, I am not prepared to answer that question; but as an opinion, I am prepared to say, that the diminution of the aggregate of our advances, as well to government as to individuals, must have that effect.

Was there not in that period, between the limitation of discounts and the suspension of cash payments, a diminution of the aggregate of your advances?—I really am not prepared to say.

Supposing gold to be drawn from the Bank to be then melted and exported, would there not be a reduction of your paper in consequence of notes having been brought in to exchange for gold, and then cancelled?—Yes, provided we did not re-issue an equal amount.

Could you so re-issue an equal amount, without enlarging in that proportion the amount of your discounts?—We could re-issue an equal amount by the purchase of exchequer bills or bullion, or by discounts; being the only articles on which we make advances.

Supposing that in such a case of a demand upon you for guineas, the Bank had come to the determination of diminishing in some degree the aggregate of their advances, would not the amount of their paper in circulation be diminished both by that diminution of the advances, and by the amount of the paper which had been brought in for guineas?—Most unquestionably; as much of our paper as we do not re-issue is a diminution of it.

Even if you should not, in such a case, resort to the measure of diminishing the aggregate of your advances, would not a diminution of your paper in circulation take place in consequence of the drain upon you for gold?—It would, in proportion to the quantity of notes cancelled for the gold issued in exchange for them, provided we did increase our quantity of advances.

If you re-issued the notes brought to you for guineas, in such a case, would not they be again returned and draw more guineas from you?—As long as it would continue to be a profitable trade. When I speak of re-issuing notes, I mean issuing the amount of those notes, for we do not usually re-issue the same notes.

Do you conceive that the limitation of the sum total of your loans, and consequently also of your notes, which took place in 1783, had the good effect which was intended by it, of diminishing the drain for guineas?—I am not prepared to speak to the facts at this distance of time, and not having been then in the direction.

If the Bank were not restricted from paying in guineas, and a great demand for them took place, do you conceive that the course the Bank would adopt, with a view to check such drain, would be to diminish the amount of their advances either to government or to individuals?—In answer to that question, I would say, that with a view to the Bank's own preservation, it undoubtedly ought to pursue that measure; but it must greatly depend upon the circumstances which would accompany such demand upon us for advances.

Can you state any other mode by which you conceive that such a drain of guineas would be checked?—I know of no other measure.

In point of fact is it not the measure to which the Bank did recur on all occasions prior to the restriction, whenever any extraordinary drain of gold took place?—I have already, I believe, answered that question, by saying that the Bank did, in a former instance limit their advances.

In what mode is it that a diminution of advances by the Bank operates to lessen and put an end to a drain of guineas?—Because there is a diminished amount of outstanding demands against the Bank.

Would not that drain continue, notwithstanding such diminished amount of outstanding demands, if the market price of gold continued in the same proportion of excess to the Mint price?—I conceive it would, so long as the dealers in gold can get a Bank note to bring to the Bank and demand guineas for it.

You have stated, that a diminution of the out-standing demands against the Bank diminishes the drain of guineas, and also that that drain would continue so long as the excess of the market price above the Mint price of gold continued the same; is the Committee to understand that the diminution of these outstanding demands has, in your opinion, a tendency to lessen such excess?—In my opinion, it has no bearing upon the price of bullion.

Then in what manner does a diminution of outstanding demands lessen the drain?—The lessened demands that can possibly be made upon us from the smaller amount of notes in circulation.

Why should the smaller amount of notes in circulation lessen the inducement of the holders of these notes to convert them into gold?—I presume that all the holders of Bank notes are not dealers in gold, and they would not let their notes go out of their possession for that purpose.

But may not those who are disposed to deal in gold become possessors of notes equally as before the diminution of the outstanding demands?—I conceive in that case an alarm would be created, and the holders of notes would hoard them as they have done guineas upon other occasions of alarm.

Would not the hoarding of such notes, raise the value of those that remained in circulation?—I have no doubt it would.

Would it be raised in exchange for Bullion?—I should think not.

By what criterion do you judge that its value is raised?—I have gone upon a supposition, that the value of the Bullion abroad still afforded a profit upon the exportation of it from this country; and until the price of the bullion here exceeds the price abroad, there would not be wherewithal to exchange for Bank notes.

Supposing that the consequence of Bank notes, being rendered more scarce by a diminution of outstanding demands against the Bank, and the consequent hoarding of them, as assumed in a former answer, should be to raise their value ten per. cent.; and that before their value was so raised, the price of Bullion on the continent was six per cent. higher than the Mint price in England; would not the effect of this raising the value of the Bank note be, to put a stop to all further demand for bullion?—That is a question of calculation, that if the bullion can be brought into this country, by giving more for it here than they can obtain for it abroad, the demand for it here for exportation must cease.

Supposing the excess of the market price of gold above the Mint price to be five per cent., and that in consequence, a drain of guineas take place from the Bank, and the Bank, by diminishing the amount of its outstanding demands, raises the value of its paper five per cent. in the manner described in a former answer, would not the result be to bring the market and the Mint price of gold to a par, and consequently to put a stop to the demand for guineas?—I wish for time to consider of an answer.

March 7, 1810.

Francis Horner, Esq. in the Chair.

Mr. ———, a Continental Merchant, again called in, and examined.

Since the conduct of the enemy which you have described, what other causes have continued to operate on the Continent to lower the course of exchange?—Very considerable shipments from the Baltic, which were drawn for and the bills negociated immediately on the shipments taking place, without consulting the interest of the proprietors in this country much, by deferring such negociation till a demand should take place for such bills; the continued difficulty and uncertainty in carrying on the correspondence between this country and the continent; the curtailed number of houses to be found on the continent willing to undertake such operations either by accepting bills for English account, drawn from the various ports where shipments take place, or by accepting bills drawn from this country, either against property shipped, or on a speculative idea that the exchange either ought or is likely to rise; the length of time that is required before goods can be converted into cash, from the circuitous routes they are obliged to take; the very large sums of money paid to foreign ship owners, which in some instances, such as on the article of hemp, has amounted to nearly its prime cost in Russia; the want of middle men, who, as formerly, used to employ great capitals in exchange operations, who, from the increased difficulties and dangers to which such operations are now subject, are at present rarely to be met with, to make combined exchange operations, which tend to anticipate probable ultimate results.

Are not English manufactures and West India produce eagerly sought after upon the Continent?—Yes, when they get to a place of safety.

Would not the exportation of those manufactures and of West India produce to the Continent, in the usual quantities, remedy nearly all the inconveniences which you have described as operating upon the course of exchange, and raise the exchange to par?—As the exchange at present rests upon public opinion, and has not got the precious metals for its foundation, I conceive a state of things possible, so that the trade with the Continent may be carried on, the balance being in favour of this country, whilst the exchange is below par; the touchstone to regulate it being withdrawn, namely, bullion.

Then do you believe, that if our exports exceeded our imports, and the balance of trade were considerably in our favour, that still the exchange would be below par?—I conceive it a possible case.

When our exports have exceeded our imports, has that actually been the case at any period since the Bank restriction?—It has; but never for any length of time, till lately.

When the balance of trade has been in favour of England, and the exchange has been below par, have there been no extraordinary causes to operate upon the exchange exclusive of the Bank Restriction Bill in England?—Yes; such as foreign subsidies, and the Bank of England having raised the price of gold to 80*s.* about five years ago; likewise, the great commercial distress which existed in the year 1799, and which had a very great effect upon the exchange.

Supposing a paper currency to be established in this or any other country, which is not convertible into gold or silver coin, or into any definite quantity of gold or silver, and the quantity of such paper currency to be greatly increased; do you not conceive that a great fall in the exchange may take place, and that the subsequent fluctuations in the exchange, which result from the variations in the balance of trade, may become fluctuations merely round a new point, the exchange never again reaching its antecedent par, assuming always the quantity of paper to continue to be enlarged?—In my opinion, there is no single cause that would tend so materially to have the effect of depreciating the exchange, and keeping it low, as an increased paper currency not convertible into cash.

Might not the exchange continue permanently and greatly depressed, in spite of favourable balances of trade, under such circumstances?—As under such circumstances the exchange rests upon a foundation no more solid than the variable opinion of persons abroad and at home, I conceive, that the interchanges between this and foreign countries might continue to be carried on at an exchange much below par, when in fact, there is nothing to raise it but a change of opinion; but which opinion would very soon be altered, when it were once known that coin were again to be put into circulation.

Are there not many places on the continent in which the balance of trade has been occasionally very favourable, and in which nevertheless, during the period of that favourable balance, the exchanges have been unfavourable if computed in a paper not convertible into cash?—Except with regard to the occasional high rate of exchange between this country and the continent, I know of no exchange with any country where a forced paper circulation existed as the foundation for the exchange, but where it was considerably below its original par.

Has not the depreciation in the value of the paper of those countries been generally produced first by some unfavourable balance of trade, or other extraordinary circumstance, naturally affecting the course of exchange; and has not the circumstance, of the paper not being exchangeable into cash, then prevented the recovery of the exchange in more than a slight degree after the depreciation had taken place, even though a favourable balance should return?—I believe that it has generally been the public opinion, as much as any other cause, that has depressed such exchanges, and which must of course have been aggravated by an unfavourable balance of trade.

Has a limitation of the quantity of paper been resorted to in places on the Continent, as a means of rectifying the exchange under such circumstances?—Yes, it has very frequently.

At what prices, and with what effect?—Always with a partially good effect. This reduction of the quantity of paper has been resorted to in Denmark, in Austria, and was even tried in France, during the period of the assignats; but upon any exigency of the government, they have again increased the quantity, which then tended again to lower the rate of the exchange with foreign countries.

State in what manner the returns and payments are made to this country from the Continent, for the exports.—Partly in merchandize and partly by bills of exchange.

Do merchants on the Continent make advances on property consigned, as heretofore?—No.

From the course of our export trade, is not the Continent largely indebted to this country?—Very considerably: and in a much greater proportion than what they would be if trade had been carried on as heretofore, in as far as such exports have been for English account.

For those commodities which we import from the Continent, do we not pay in advance?—Those coming for English account are generally drawn for upon the goods being shipped.

For those which come on foreign account, are not drafts passed in anticipation?—I have little doubt but that has been the case with regard to a part of such shipments.

Is not this the general course of such trade?—Yes, except when extraordinary dangers or difficulties exist.

Do you know whether for such commodities as are imported from the Continent of Europe, and re-exported to the states and settlements of America, this country always gives credit?—Yes.

What period of time does it take in that trade to bring the payments round?—About eighteen months.

Has not the import from the Continent, during the last year, of Baltic produce, German linens, and other produce, been unusually great?—Yes, it has, in consequence of the trade between this country and the continent having been almost totally cut off the preceding year; in consequence of which the advance of the British merchant, both on the score of exports as well as imports, must be unusually great.

Has not the prime cost of such articles been greatly augmented by unusually high freights paid in cash to foreign ships or in bills of exchange on the continent?—The freights have been unusually high, but as far as my experience goes, not been paid for in specie, but either in bills of exchange or in merchandize.

Has not the more general practice been to pay such freights in bills of exchange or bullion?—I do not know of any freights that have been paid in bullion, but a great many in bills of exchange.

If the amount of merchandize on hand be unusually great, paid for through the means of drafts on Great Britain, would not that produce an effect upon the exchange?—Certainly.

Does not the amount of the expenditure for government account on the Continent, for the two last years, form a debit against us; and suppose a part of that expenditure to have been paid in specie or bullion sent from this country, which was obtained originally in payment of bills drawn from Spain negociated there, would this last circumstance make any difference in our balance of payments?—In as far as such operations were carried on through the medium of the exchanges, it would have that effect in reducing the favourable balance of trade equivalent to its amount, and which appears, from the nature of the transaction explained in the question, to have been the case with regard to the bullion received from South America.

Has not the appearance of government bills on the Continent always produced a greater effect on the exchange, than bills of individuals to an equal amount?—It has frequently had this effect, but not always.

Is it a consideration at Hamburgh, with the purchaser of a bill of exchange on London, in what money it is to be paid?—Not abstractedly with regard to any single bill; but as a matter of opinion generally, I dare say the suspension of cash payments has had an effect on the public mind there.

Is Bank of England paper therefore discredited at Hamburgh?—No more there than here, as the relative rate of the exchange, and the advanced price of bullion here, will shew.

According to what you have stated, is it not depreciated when compared with gold at the Mint price?—Yes, as the rate of exchange will shew.

You have stated that according to your experience, paper is always depreciated when not convertible into cash; can you then, according to this principle, assign any cause why in the exchange between Hamburgh and London at the period of the suspension of cash payments of the Bank in 1797, it was at 35, or about three per cent. above what is called par; that from that date it rose gradually in 1797 and 1798 to 38/2, and was still at 36 in the middle of 1799, when a great commercial distress took place, subsidies paid, and large importations of corn; while the circulation of the Bank of England had been increased from about eleven millions to thirteen and a half in 1800 and 1801, the exchange was depressed down to 29 and lower, the amount of bank notes being then 15 or 16 millions; during 1803 and 1804, and the greatest part of 1805, the exchange gradually rose to 35/6 or about five or six per cent. above par, while the amount of the bank notes increased to 18 millions?—When I stated it to be my opinion, that paper was always depreciated when not convertible into cash, it was only with regard to such issues upon the Continent. The causes I should assign for the very high rate of exchanges after the suspension took place in this country was, that during the commencement of the suspension of payments of cash at the Bank, the public opinion here was exalted to that degree, that for a considerable length of time no traffic at home was carried on between Bank paper and gold at an advanced rate; the situation of trade between this country and the Continent was particularly favourable, and the balance greatly in its favour, which not only tended to raise the exchange above par, but made it worth the foreigners while to liquidate a great proportion of his debt by sending gold to this country, of which some millions sterling were imported; when circumstances changed and a temporary balance existed against this country, and which could only be liquidated by allowing a re-exportation of bullion, this was withheld, and which must have tended to increase the effect both in reality and as matter of opinion. In fact, I only know of two means to liquidate an unfavourable balance of trade, it is either by bullion or bankruptcy.

Would not the exportation of any other commodity to an equal extent, produce the same effect upon the balance of trade as would bullion?—Yes, in as far as it would tend to change the balance of trade, and thus less bullion would be required to make up any supposed deficiency.

March 8, 1810.

Francis Horner, Esq. in the Chair.

Mr. ———— a Continental Merchant, again called in and examined.

In what way do you think the present issue of bank notes and country bankers paper would operate to reduce the rate of exchange, supposing the balance of trade to be in favour of this country?—The greater the issue, the more the exchange would be lowered; and supposing that a scarcity of the circulating medium of this country existed, the higher the exchange would be. Independent of this direct effect, a reduction of the circulating medium would also have that of lowering the prices of every article, and thus increase the facility and extent of their export.

That in consequence of an increase of Bank notes in circulation, and articles of merchandize being raised in price, that the exports are less than they otherwise would be, and in that way the operation on the exchanges is to our disadvantage?—Yes, in as far as there is any competition in trade between this and other countries.

Admitting that by an increase or decrease of the quantity of paper in circulation the prices of merchandize are increased and decreased, and the exportation greater or less, and that the exchange is of consequence indirectly affected; will you explain more particularly the direct operation of an excess of paper currency on the exchange?—An increase of the circulating medium enables persons to make greater advances to foreigners, and more bills are thus brought into the foreign market; this must have the effect of lowering the exchange. Should, on the contrary, a scarcity of money exist here, it would become desirable to realize and accelerate the payment of debts due to this country; advances now readily made to them would from necessity be curtailed, and the foreigner, who required a bill on this country, would be obliged to pay a higher price for that which was scarce than if it were abundant. The importation, from the same causes, would be curtailed; and the desire to raise money by sending a greater quantity of goods abroad, would be increased. However great the inconvenience to individuals, I conceive that a very material reduction of the circulating medium in this country (by which I do not mean to make any distinction between coin and paper) would have the immediate effect of raising the exchange so far above par as to enable foreigners to send bullion to this country for the liquidation of their debt, provided this principle were carried to such an extremity.

Whether you think the greater advances to foreigners, which, you have stated, are made in consequence of the increase of the circulating medium, do not tend to increase the balance of trade in favour of England, and therefore to counteract the direct causes on the exchange, which you have mentioned?—As far as relates to the imports into this country, it must have the contrary effect.

Is it not the balance of payments, and not the balance of trade, which affects the exchange?—As a matter of fact, it undoubtedly is; but in this, as in most other cases, ultimate results are anticipated by the speculations of individuals.

Supposing a diminution of the paper of Great Britain to take place, or an expectation of such diminution generally to prevail, would not the following effect follow; would not those English merchants who now trade on borrowed capital, and order goods from abroad on their own account, with a view to importation hither, or invite consignments from abroad by offering to make large advances on the credit of them, curtail their orders and limit the extent of their advances, in consequence of their anticipating increasing difficulty in providing the means of payment; would not this conduct on their part lessen the quantity of drafts drawn upon them, and thus affect the balance of payments, and would not this alteration in the balance of payments tend to improve the British exchange?—I perfectly agree in the effect of the positions placed in the foregoing question, as I tried to explain in my preceding answer.

Suppose an increase of paper currency to take place, and that currency not to be convertible into a medium common to any other country, would not the effect throughout such a country be a general rise in the prices of its produce and commodities?—It is my opinion, that an increase of the currency of any country, whether it be paper not convertible into coin, or such as is coin itself, would invariably have that tendency, with the distinction, that if coin circulated, the real medium of value would be much more readily restored.

Suppose in one of two countries, namely England, the price of articles in exchange for its paper circulating medium should be raised in consequence of an increased quantity of paper; and suppose in another country, namely Holland, the price of articles in exchange for its circulating medium should not be raised, there having been no increase in its quantity or diminution of its value; would not a given quantity of English paper necessarily be exchanged for a diminished quantity of Dutch currency ?—Yes, it would.

That is to say, if English goods continued to exchange for the same quantity as before, of Dutch goods, must not the English paper be exchanged for a less quantity of Dutch currency, in such a case ?—Should the advanced price of any article in this country not curtail the quantity to be exported, it certainly would have this effect in the abstract.

Supposing the circulating medium to consist almost exclusively of paper, as is now the case in England, and suppose such paper to be augmented in quantity ; suppose also the general price of articles in exchange for such paper in England to be raised, as you have admitted ; will not such rise of prices operate as a temptation to foreign countries to enlarge their export of goods into England as long as the exchange remains the same, inasmuch as the advanced price of goods in England, other things being equal, must give an additional profit to the foreign exporting merchant ?—Taking it for granted that the exchange were to remain the same, it would have that effect ; but it is the exchange itself which would regulate such operations.

In the case supposed, will not the same general advance of prices in England, which you state in augmentation of paper to produce, operate as a discouragement to the exportation of English articles so long as the exchange shall remain the same, which shall be assumed to be at par ?—Yes, certainly ; but it is an assumption which, in my opinion could never take place in fact.

Have you not understood that the general balance of trade has been stated to Parliament by official authority, for several years, to be in favour of this country, and to the amount of several millions in each year ?—Yes ; but I believe that such statements did not include the expenditures for the account of Government abroad.

Would not such balances due on former years, but accruing for payment only in the last year, have contributed to the extent of that payment so accruing, to satisfy any extraordinary demand for goods imported from the continent last year ?—Yes, they would.

The balance of trade for the last year in favour of this country, being stated to be much greater than on any former occasion, how soon, supposing the present rate of exchange to arise solely from the present balance of payments being against this country, may we expect to see a balance of payments, and consequent rate of exchange in favour of this country, in proportion to the favourable balance of trade ?—As I have before tried to explain, that it is not the balance of trade alone that regulates the rate of exchange when bullion is withdrawn from its operations, as relative to the balances with foreign countries, I continue of opinion that the balance may be in favour of this country and the exchange against it, until that is restored, which is the only medium by which to regulate the par of exchange. I would further state as my opinion, that at the present moment, and for a short time past, the balances of payment between this country and the North of Europe have been in favour of England.

Then if the exchange was affected solely by the balance, the payments of exchanges with the North of Europe at this moment ought, according to the information on which you have formed your judgment, to have been in favour of England ?—If that were the only cause that influenced the exchange, it is my opinion, that the exchange would have been in favour of England for some time past.

Would not that be the only cause in your opinion, if the paper currency of this country were convertible into coin at the option of the holder ?—Yes, with the exception always of the increased difficulty and expence which might occasionally take place to transport the precious metals.

If the depression in the exchange of any country arises solely from an unfavourable balance of trade or of payments, would not the natural consequence be a scarcity of currency, and a fall in the price of all commodities ?—Yes, it is what I have invariably observed in several countries.

Has the present great depression of the exchange in this country, as far as your experience goes, created any such scarcity of currency or consequent fall in the price of commodities ?—No, it has not ; but the case cannot be assimilated to those countries I alluded to, where a free exportation of their coins has been permitted, and in consequence of the reduction in their circulating medium all other articles are fallen in price.

Has not such a scarcity of currency, and consequent fall in the price of commodities, a direct tendency to remedy the evil of an unfavourable exchange by which such scarcity was created?—Yes, it undoubtedly has.

Then, if those effects are not produced by an unfavourable state of exchange, you would ascribe the depression to some other causes, and would infer that some other remedy must be applied?—A free circulation, and liberty to export the coin of the country, is in my opinion the only effectual remedy; if that is not deemed practicable, I however conceive that many palliatives may be applied.

Do you not conceive that without a free importation of the coin of the country, a diminution in the amount of its currency would produce a fall in the price of all commodities, and a consequent rise of the exchange, in the same proportion as if that diminution of currency had been effected by the export of a part of our coin?—I should suppose it could only have one-half the effect.

In point of fact, has not the exchange of this country with the North of Europe been in our favour since the restriction of cash payments at the Bank?—Yes it has, for a considerable time, and very materially, and so much so that a great part of the balance due to this country was liquidated by bullion sent here from the North of Europe.

Would it not have continued in that same favourable state if the currency of the country had been kept within the same limits in proportion to the occasions of the public as then existed, the balance of trade being generally in our favour?—The balance of payments having occasionally been against this country, and the re-exportation of the precious metal being prevented, has been the cause of the exchange continuing for such a length of time below par; had those circumstances not taken place, and the circulating medium not been increased here, and money been the principal circulating medium of this country, then I am of opinion, that with a favourable balance of trade, the exchange would have been almost invariably in favour of this country.

You have stated, that the exchange has been greatly in our favour since the restriction on the Bank, and that the balance of payments then due to England was in consequence liquidated by great importations of bullion into this country; you have also stated, that in your opinion, the balance of payments is now in our favour; explain to the Committee to what cause you ascribe the difference in the exchange between those two periods, in each of which you conceive the balance of payments to be in our favour?—At the period of the suspension, the situation of the trade of this country was very favourable to it: the stock of goods on hand, and which were required by the continent, was very great; public opinion here in favour of the measure empowering the Bank to withhold cash payments was such, that for some time no traffic at home was carried on between this paper and coin: while the balance of trade therefore continued in favour of this country, the foreigner could only liquidate his debt by sending bullion. Had the re-exportation been allowed, a very small proportion of such exportation would have been sufficient to keep the exchange at near par; or even the public opinion would have fixed it at that rate, if it were ascertained that such operations could take place when required. This not being the case, and some extraordinary causes (as explained) having taken place, that depressed the exchange, and coin being withheld both from internal circulation and from its operation with foreign countries, I conceive this to be the cause of an unfavourable rate of exchange during a period of a favourable balance of trade. In fact, the foundation by which what is called a par of exchange is fixed, no longer exists as matter of fact.

When you state that under the present restriction on the Bank of England, the balance of payments is not the sole regulator of exchange, and the public opinion is become a substitute for it, in what sense is the Committee to understand that public opinion operates in this respect; is it, as is the case in several states on the continent, any want of confidence in the resources of this country, and in the solidity of the credit of the Bank, arising from a state of war or any political circumstances, or is it merely an opinion that so long as the Bank restriction continues, whatever may be the well-founded confidence as to the prosperity of the Bank, the fluctuations in the exchange will not be governed by the same circumstances or kept within the same limits as if such restriction did not exist; and consequently, that neither the extent or duration of any existing depression can be subjected to the same calculations as in the ordinary state of things?—No want of confidence either in the resources of this country or in the solidity of the Bank exists with the mercantile body abroad; but whilst that is withheld from circulation which would prevent the possibility of any depreciation of Bank paper, its value cannot be said to be regulated by a certain quantity of the precious metals. Thus the fluctuations in the exchange may be greater and more continued, as subject to matter of opinion instead of being reducible to matter of fact, when coin or bullion at the Mint price is the foundation for the par of exchange.

You have been asked, whether the purchaser, at any foreign place of exchange, of a bill upon London, stipulates for any difference of price, in consequence of being liable to be paid in Bank paper; does not the purchaser of such bill know, that he cannot legally enforce payment in any other currency?—The purchaser of such bill does know that he can enforce no other payment than that in Bank paper; and in consequence, it appears by facts that have taken place, that his opinion with regard to the value of a pound sterling has been reduced, and that at a time when the balance of payments have been in favour of this country. In my opinion, this would not have been the case had the restriction not taken place.

But the balance of payments being at present in favour of this country, how do you account for this diminution in the value of a pound sterling?—The opinion of the foreigner with regard to the value of a pound sterling being once reduced, it cannot again be raised, unless either he himself changes his opinion, or others chuse by speculation to raise the exchange, whilst bullion at the Mint price is withheld. In consequence of this opinion, I conceive it possible that the interchange between this and foreign countries may continue at the reduced rate of exchange, whilst what I call its regulator is withheld.

If option could be secured to the foreign purchaser, that the payments should be made either in guineas or Bank notes, would you not give more for a bill possessing those advantages; and at the present rate of exchange and price of gold, how much more?—With regard to any single operation, I believe little or no difference would be made; but as a general measure, I am confident it would raise the opinions of foreigners with regard to the value of a pound sterling.

The exchange between Hamburgh and London during the years 1803, 1804 and 1805, having been in favour of England, can you account for this seeming contradiction of the principle which you have assumed, that the present low rate arises from a paper circulation not being convertible into coin, independent of any supposed excess of such paper currency?—Had the balance of payments invariably continued in favour of England, the exchange would have done so likewise. I believe that in the course of my evidence, I have assigned a variety of causes for the low rate of exchange, independent of the inconvertibility of paper into cash.

Supposing the balance of payments to have continued uniform in favour of England, would not the doubling the amount of paper currency in England, at the moment even when such balance was most favourable, have very considerably depressed the exchange?—In my opinion it would. But I must add, that a very favourable balance of trade, for a continuation of a great number of years, is an impossibility, as it would oblige the foreigner to liquidate his debt by bullion; which would increase in quantity here to that extent so as to produce the same effect in increasing the circulating medium of this country as by an excess of a paper issue.

Is not the depreciation of paper currency, as to its effect on foreign exchanges, the same as would be a debasement of the coin?—Yes, certainly; with the distinction, that the extent of the one can be exactly ascertained, but not that of the other.

If the issue of paper by country Banks did not take place till some time after the restriction, and then gradually, must not this have affected the depreciation, and consequently the course of exchange?—Tending very materially to increase the circulating medium of this country, it certainly must have had that effect.

Would the depreciation of currency in any one country affect the intercourse with another, on the supposition of the exports and imports between them being exactly equal, estimated in gold?—I think that this question is best answered by an existing matter of fact, which is, that the difference in this country between the sterling value of gold and the depreciation of foreign exchanges, is nearly equal.

May not the depreciation of currency in a country make an apparent balance of trade in its favour, contrary to fact?—Only in as far as the rate bears upon the balance.

March 9, 1810.

Francis Horner, esq. in the chair.

John Whitmore, esq. the Governor of the Bank of England, John Pearse, esq. Deputy Governor of the Bank of England, called in together and examined.

Supposing the excess of the market price of gold in bank notes above the Mint price to be five per cent, and that in consequence a drain of guineas takes place from the Bank, and the Bank by diminishing the amount of its outstanding demands, raises the value of its paper five per cent, in the manner described in a former answer, would not the result be to bring the market and the Mint price of gold to a par, and consequently to put a stop to the demand for guineas?—I wish to have further time to consider of this question.

On what principle is it now the practice of the Bank to regulate the general amount of their loans and discounts, and what is the principle antecedent to the restriction; namely, do they endeavour principally to lend to such an amount as shall serve to keep the quantity of Bank of England notes nearly at their usual level, or do they enlarge their advances to merchants when the merchants happen to extend their demands for discount, although by gratifying such demands the quantity of paper should be in some degree increased; or do they regulate the amount of their discounts and loans, and thereby also the circulating paper, by a reference to the state of the exchange and to the difference between the market price and the Mint price of gold; or upon what other principles do they proceed?—We do not comply with the demands for discounts to the extent demanded of us; it has always reference, not only to the solidity of the paper, but to the amount of the accommodation the individual applying for it already has. We never discount without those circumstances being considered; namely, the amount already given to the individual, the solidity of the paper, and the appearance of its being issued for commercial purposes. I am prepared to say, that I do not advert to the circumstance of the exchanges, it appearing upon a reference to the amount of our notes in circulation, and the course of exchange, that they frequently have no connexion; there is no accommodation of discount granted without periodically the amount of our discounts and all advances being reported to the court of directors.

Do you ever limit the extent of your discounts to merchants, by consideration of the amount of your notes out in circulation?—The attention of the court being constantly drawn to the amount of our notes in circulation, certainly does operate upon us, either to the reduction or the increase.

Do you advert to the difference between the market and Mint price of gold?—I wish to have time to consider that question.

Supposing the Bank to be now paying in cash, would it not necessarily experience a great drain of gold in consequence of the high price of bullion and the unfavourable state of the exchange?—Most unquestionably it would.

Supposing the Bank to be now paying in cash, and to experience such drain, would they not be disposed under such circumstances to reduce in some degree their discounts to merchants and their loans to government?—Most unquestionably they would, if considered only with reference to the Bank; but that would be attended with great injury to public credit.

By taking public credit into your consideration on such emergency, do you mean only the accommodation of government, or do you include besides that, the accommodation of the mercantile world?—I would include both considerations.

Let me suppose a case in which no demands were made upon the Bank by government for unusual accommodations, but an unusual demand was made by merchants for increased facilities of discount; would the Bank in such a case consider itself as bound, in order to support public credit, to grant that increase of discounts, although there was a run upon it for gold, occasioned by the high price of bullion and the unfavourable state of the exchange?—I desire time to consider that question.

Supposing the Bank to be now paying in cash, and to experience a drain of gold, as just mentioned; and supposing them also to afford precisely the same sum in the way of loan as before; would not a diminution of their paper take place, which would be proportionate to that diminution of their stock of guineas which the drain would occasion, inasmuch as every person coming to demand guineas would give in exchange for them an equal quantity of bank notes, which would be cancelled?—I would wish for time to consider that question.

Is there not reason to suspect that the present unfavourable state of the exchange may be in part owing to the want of that limitation of paper which used to take place before the suspension of the cash payments of the Bank, on the occasion of the exchanges becoming unfavourable?—My opinion is, I do not know whether it is that of the Bank that the amount of our paper circulation has no reference at all to the state of the exchange.

Has that question ever been brought to a regular discussion and decision in the court of directors?—In the opinion of the Bank directors, it had not sufficient bearing upon our concerns to make it more than a matter of conversation; it never was singly and separately a subject of discussion, though constantly in view with other circumstances.

Mr. *Pearse.*—The varying prices of the Hamburgh exchange compared with the varying amount of Bank notes at different periods, seem to prove that the amount of Bank notes in circulation has not had an influence on the exchange.

Mr. *Whitmore.*—I will on a future day produce such statements as to the Hamburg exchanges, and the amount of Bank notes at corresponding times, as will elucidate this.

Has the effect of the quantity of paper upon the state of exchanges and the price of bullion been more taken into consideration by the court of directors within the last nine months, than it has usually been at former periods?—I should say more frequently, but not more formally.

Would not a limitation of the discounts by the Bank of England, on a demand upon them for guineas in consequence of an unfavourable state of exchange, render it necessary for the country banks to be more cautious in their advances, and also tend to create an increased demand for guineas for such country banks, and thereby to diminish in both those respects the amount of their circulation?—I have no knowledge of what conduct the country banks would think necessary to pursue upon such an occasion; if the country banks were to act in the manner in which the Bank of England does act, in never forcing notes into circulation, and making advances only upon good security of bills at short dates, I conceive that the amount of the country circulation would be diminished in such a case.

From what causes do you apprehend the present low state of the foreign exchanges to proceed?—I apprehend it arises from more than one cause: the balance of payments is at present very much against this country; and in the present state of the commerce of the Continent, the traffic in bills of exchange is so much disturbed from its regular course, that the payments which this country has to make abroad are not facilitated and equalized as in former times.

What is the present state of exchange between this country and Portugal?—More in favour of this country than it has hitherto been.

Does not that favourable exchange arise from the circumstance of half being paid in specie and half in paper in Portugal, which paper is at a discount of 27 per cent.?—The payment in paper at Lisbon has existed for many years, and the discount upon it has varied.

You have stated, that the balance of payments is different from the balance of trade; must not those balances be generally the same under ordinary circumstances of postponed payments of former years compensating for those deferred in the present?—A very considerable market for our manufactures is recently opened in South America.

Are there any circumstances, tending to disarrange those ballances, existing any where but in our trade with South America?—In Europe at present, owing to the circuitous import with the interior of the Continent.

Whether, since the suspension of the payments in cash down to the present time there has been any material extension of commercial discounts?—I wish to have time to consider that question.

March 12, 1810.

Francis Horner, Esq. in the Chair,

Abraham Goldsmid, Esq. called in and Examined.

Mr. *Goldsmid,* I am a partner in the house of Goldsmid, son, and Eliason; we are merchants dealing also in exchanges.

What is the present rate of exchange on Amsterdam?—31*s.* and five grotes Flemish banco for a pound sterling, equal to nine guilders eight and an half stivers banco for a pound sterling.

How much per cent. is that below par?

—From 16 to 20 per cent. below par; but the par is not exactly ascertained, on account of our par being in gold and that of Amsterdam in silver.

In stating it to be from 16 to 20 per cent. below par, have you taken into consideration the relative value of gold and silver in both places?—Yes.

What is the present rate of exchange on Hamburgh?—28*s.* and 10 grotes Flemish banco for a pound sterling, or 10 marcs 13*s.* Hamburgh banco for a pound sterling.

How much per cent. is that below par?—Nearly as much below par as that on Amsterdam; the depreciation is nearly the same.

What is the present rate of exchange on Paris?—The last exchange was 20 livres for a pound sterling. I have not been doing any business in French exchanges, and therefore cannot tell the exact rate, but it is rather worse than with Amsterdam and Hamburgh.

What would be the difference in value between the napolean and a guinea?—A guinea, if allowed to be exported, would fetch about 25*s.* at Paris.

What is the present rate of Exchange on Portugal?—65½ per mill ree.

How much below par?—I myself have no transactions in Portugal, and I therefore cannot speak to that at this moment.

Are you acquainted with the American exchanges?—Not at all.

What, in the present circumstances, do you reckon the cost and risk of sending gold from this country to Amsterdam?—I should think, under the present circumstances, that it is really impossible to send gold to Holland.

How long have circumstances rendered that impossible?—About a month or 6 weeks, since the recent political changes in the state of Holland.

What is the expence of sending specie to Hamburgh?—We have not sent any gold direct to Hamburgh these 5 years; none has gone, except either by Amsterdam or through Heligoland, and some by Gottenburg.

Speaking of the last 5 or 6 months of the preceding year, what was the expence of sending gold to Holland?—It varied exceedingly, according to the insurance.

How much did it vary?—From 4 to 7 per cent, for all charges covering the risk, as well as the cost of transportation.

Do you know what was the expense, in the same period, of sending specie to France?—I do not know that any was sent to France.

During the last 5 or 6 months of the last year, were the exchanges on Hamburgh and Amsterdam as low as those which you have mentioned?—Yes, as low, even lower; that on Hamburgh was as low as 28. 2. and on Holland as low as 30. 10.

During that same period, has the price of gold at Hamburgh fluctuated much?—Not much, not more than 3 a' 4 per cent.; it has not been more than 8½ or ¾ per cent. above par, nor lower than 4 per cent, above par, the par being 96.

Do you know what has been the price of silver at Hamburgh for the same period?—The price of bar silver at Hamburgh is always fixed; it remains at 27. 10. which is its par; the bank receives it at that price, and I believe gives it at 27. 12.

Is there any variation at Hamburgh in the price of silver coin?—Yes, there is.

What is that owing to?—To the different demands there may be from other countries, which require it.

Still speaking of the same period, what has been the price of gold at Amsterdam, as compared with the par?—The price of gold at Amsterdam has been as high as 17½ per cent. above par, and as low as 12½ above par, which it is now.

What is the par of gold at Amsterdam?—355 guilders per marc fine.

How long has the price of gold at Amsterdam been so much above its par?—I cannot answer that question.

Do you ever remember its being at par?—About 20 years ago I remember it being only from 1 to 3 per cent. above par.

Speaking of the same 5 or 6 months as before, what has been the price of silver bullion at Amsterdam?—There has been no bar silver exported from this country to Amsterdam within that time, and therefore I do not know the price of bar silver; dollars have been from 50 to 51½ stivers current for a dollar.

How do you sell gold at Amsterdam, as the Bank does not receive it?—It is sold to individuals at so much per marc fine, as the price may be; the transaction is completed in current money, upon which of course, if bills are bought, the agio must be calculated in the price of gold at Amsterdam; the agio must be either added or deducted, as it may exist between bank money and the currency.

You have stated that a guinea, or gold

equal to what is contained in a guinea, is worth about 25s. at Paris, that is a difference of 8*l.* 18*s.* upon 44 guineas and a half; so that gold equal in weight to what is contained in 44 guineas and a half, would sell at Paris for 55*l.* 12*s.* 6d.; do you mean to say that the above quantity of gold would purchase at Paris a bill on London for 55*l.* 12*s.* 6*d.*?—Nearly so.

What would a pound of gold in London cost at what you have stated to be the present market price of gold in London, namely, 4*l.* 12*s.* per ounce?—55*l.* 4*s.*

Does it not follow from what you have now stated, that the pound of gold in London and at Paris is at present nearly of the same value, the difference being only 7*s.* 6*d.* per pound?—It does.

What bill on England could be purchased at Hamburgh, according to the last accounts of the course of exchange, for 100 ounces of English standard gold?—about 460*l.*

How much English standard gold for exportation could be purchased in London for 460*l.*?—100 ounces.

Then the price of gold at Hamburgh, and the price of gold in London are nearly equal?—They are.

Is not the exchange at par between two countries when a given amount of the currency of the one or the other will purchase an equal amount of bullion of a given purity in either?—I always understood it so.

If 100 ounces of gold of standard purity at Hamburgh would, at the present course of exchange, purchase a bill upon London of 460*l.* and if 460*l.* in London would, purchase only 95 ounces of gold of the same purity, would not the exchange of Hamburgh upon London be 5 per cent in favour of London?—If the price at Hamburgh was such that the produce of 100 ounces of gold sold there would purchase a bill of 460*l.* upon London, and that bill in London would only purchase 95 ounces of gold, then the exchange would certainly be 5 per cent. in favour of England.

In ordinary times, when our gold coin is at its standard, can the exchange be depressed lower by the state of balance of payments than what it costs to transport specie or bullion?—Sometimes one way and sometimes the other, over and above such expence.

How much over and above such expence do you conceive?—I have known it differ as much as 5 per cent: either way.

Can so great a difference as 5 per cent. continue for any considerable time?—I have known from 1 to 5 per cent. continue for 3 or 4 years.

How long did it ever continue so high as 5 per cent?—I have known it 5 per cent. but very seldom, and not for a long time together.

You have stated, that the sum of 460*l.* would be produced by a 100 ounces of gold of standard fineness at Hamburgh, and that the same quantity of gold would be purchased by the same sum in London at the present price of foreign gold; then is not the exchange of Hamburgh upon London now at par?—No; because you are paying in London 4*l.* 12*s.* for what is intrinsically worth 3*l.* 17*s.* 10½. according to the coinage price.

Inasmuch as you have stated, that the same amount of English currency would purchase the same quantity of gold both here and at Hamburgh, in what does the difference in the exchange at this moment consist?—The difference consists in the price of foreign gold of standard fineness, the price being stated in pounds sterling which is the currency of this country, being so much above the Mint price.

Although the exchange between London and Hamburgh were apparently so much against Hamburgh as 40*s.* per pound sterling, would you not still deem the exchange to be at par, if, in point of fact 40*l* banco purchased exactly the same quantity of bullion at Hamburgh as one pound sterling purchased in London?—The difference in the price of gold will vary in proportion to the depreciation in the price of the paper.

And would not your answer be the same if I were to make the same supposition, stating the exchange at 28*l.* 10*s.*?—It would be *vice versâ.*

Is not gold, in the form of English coin, kept at present within the value that might be procured for it by enactments of law?—I think not; it is beneath its imaginary, but not its intrinsic worth.

To what causes do you ascribe the present depression of the exchange so much as from 16 to 20 per cent. below par?—I think that foreigners being the carriers of the trade between the Continent and England at present tends in some considerable degree, and many other things that have not come within my knowledge or taken my attention.

Have you ever had an opportunity of considering, in any other country, the effect of a forced or excessive paper currency upon the foreign exchanges of that country with others?—I have read or heard of a forced paper currency having very ruinous effects, as in France.

The question goes to the effect of such paper currency upon the foreign exchanges of the country?—The exchanges will always bear a proportion to the discount of the currency, as in all forced paper currency they have invariably done.

Is it not one effect of such a forced paper currency, to raise in the country itself the nominal prices of all commodities?—I beg to be excused from answering that question; I am not a competent judge; it is a political question.

Suppose the currency of any country consisted entirely of precious metals, and that it were possible entirely to prevent the exportation of any excess of that currency to other countries, would not an excess of such metallic currency raise the prices of commodities?—That is the same sort of question as the last, which I do not think myself competent to answer.

Do you not conceive that if the Bank of England had, during the last year, been liable to pay its notes in gold, and that gold coin had been abundant in this country, the exportation of that gold, though carried on contrary to law, would have had the effect of preventing the exchanges from falling quite so low as they have done?—I do not think that the export of gold contrary to law could be carried on to that extent, to prevent the exchanges from falling but in a small degree.

Whether the exportation of gold would produce any other effect upon the exchange than would the exportation of an equal amount of any other commodity?—No, it is exactly the same.

You have stated, that gold at Amsterdam has been as high as 17½ per cent. above their par, can you assign any reason for that?—I cannot.

When gold is above par, would you not say, when compared with guilders, the currency of Holland, that guilders are depreciated in value?—No, I should not.

According to this principle, does it follow that bank notes must be depreciated when compared with gold, the Mint price of guineas being 3*l.* 17*s.* 10½*d.* and the market price of gold 4*l.* 12*s.*?—I never considered bank notes as depreciated.

Do you consider gold and silver as the only regulators of the exchange?—No, I do not; I consider the imports and exports of the country as the regulators of the exchange.

Have you ever heard that is any part of the consideration of the taker of a bill at Hamburgh upon London, that the medium of the payment of that bill is confined to bank notes?—The man who takes a bill at Hamburgh on London purchases it for purposes of his own, either to purchase a commodity or to pay a debt; therefore, if he pays his debt by a bill upon London, the Englishman is satisfied with the currency in exchange, which he passes again.

Were the present difficulties of exporting commodities from this country to the Continent removed, is it your opinion that the price of bullion would continue at its present high rate?—I should think it would in a great measure tend to decrease the price of foreign bullion.

Then you attribute, in a material degree, the present high price of bullion to that interruption?—I do, in some measure, certainly.

From your experience, is there at present, either in Hamburgh or London, as much capital or as many individuals concerned in exchange operations, as heretofore?—Exchange operations are far more limited, and much fewer persons engaged in them than there were at former periods.

Does not the regulation of the exchange therefore fall at present much within the control of individuals?—It always did fall within the control of individuals; it is exactly in that respect as heretofore, only they are not the same persons now as they were formerly, nor are they so numerous.

Is it not the practice for individuals to purchase foreign bullion to send to the Continent, for the purpose to draw or be remitted against?—I have very often done that, when it could be done to advantage.

Does not the proportion of that advantage depend upon the low rate of exchange?—As much as it does upon the price of bullion on the other side.

Does not the present low rate of exchange create the demand and the high price of bullion?—The present high price of bullion is on account of the low rate of exchange.

Whether the price of gold here does not rise in proportion to the price of exchange, and fall in the same degree?—In general it does, unless there is an export or import from some other part of the Continent of Europe or America.

If you could procure 100 guineas in England for 105*l.* in Bank notes, and the law would admit of your sending such guineas to Hamburgh, should you not be enabled to remit from Hamburgh to the amount of at least 122*l.* and to repeat this operation indefinitely so long as you could procure 100 guineas in England and transmit them to Hamburgh, the exchange remaining the same?—Certainly.

It is your opinion that the circulating medium, as entirely confined to paper in this country, produces any effect upon foreign exchanges?—I do not profess myself competent to give my opinion upon that.

Whether to your knowledge the exportation of gold during the last year, to the Continent, was considerable, compared with former years?—It may have exceeded the year before double.

March 13, 1810.

FRANCIS HORNER, Esq. in the Chair.

JOHN WHITMORE, Esq. the Governor, and JOHN PEARSE, Esq. the Deputy Governor of the Bank of England, called in together; and Examined.

[In reference to the last examination, Mr. Whitmore delivered in a paper, intituled "The amount of Bank Notes in circulation on Saturday night in each week of the year 1797, and the course of exchange on Hamburgh on the following Tuesday."—Mr. Pearse, in reference to his evidence the last time he was before the Committee, delivered in a paper, intituled "A comparison of the amount of Bank Notes, and Rates of the Hamburgh Exchange at various periods."]

Can you give the Committee any more particular information than when you were last here, as to the state of exchange between this country and Portugal?

Mr. *Whitmore.* The compulsory receipt of the government paper in Portugal is not confined to Lisbon, but extends generally all over the kingdom, and affects the exchange at Oporto as well as at Lisbon; but whether the discount is the same in both places I cannot state, I rather believe it varies; the present exchange from London on Lisbon is 65½; it has been as high as 69, and I think 70, within these two years.

Was it at any time above par in the course of the last year?—I do not bear that circumstance in mind.

What was the lowest point to which it was depressed in the course of the last year?—I believe it will be found, by a reference to the tables, that it was at 64 the beginning of last year.

Do you know what the price of Gold bullion has been at Lisbon in the course of the last year, or its price at present?—There is no public sale of gold at Lisbon; I have known a premium given for heavy coin.

Do you mean that there is no market price of gold at Lisbon, either as bullion or in the shape of foreign coin?—Foreign coin I cannot speak to; but as bullion I believe not.

Is there any market price of silver bullion, or silver foreign coin, at Lisbon or Oporto?—I believe there is foreign silver coin.

Do you know what the price of foreign silver coin is by the last accounts at Lisbon, or what it has been recently?—I have had no advices from thence on that subject.

In the course of the last year, do you know whether there has been any rise or fall in that price?—I cannot say, for want of advices.

If the dealers in gold were to create a great demand for Bank of England notes, that would create an alarm among the holders of notes, who would hoard them in the same manner as they have done guineas upon other occasions of alarm; would not the holding of such notes raise the value of those that remained in circulation?—My answer to that question has been given with a reference to the Bank being restricted from any fresh issue, and that there would be no other circulating medium than what might remain of their Bank notes in circulation.

Do you mean restricted by their own discretion?—Yes, either by their own discretion or by any positive law.

Mr. *Pearse.*—This conduct would arise out of necessity for the mere preservation of the Bank, though it would not tend to alter the state of the exchanges or the demand for gold to be exported, and although it would, as in the experience previous to the year 1797, produce great public distress.

In what manner do you conceive a reduction of discounts, in the case of a drain for guineas, would tend to diminish that drain?—Allow me to put an extreme case: Suppose we were to discontinue discounting altogether, and to refrain from purchasing any more government securities, every Bank note would by such proceedings return into the possession of the Bank, whereby the public could not call for our guineas, as they would have no Bank notes to exchange for them.

Do you not mean in that extreme case, that every Bank note would ultimately be brought into the Bank, that is to say, that as long as any portion of your paper circulation was out, that would afford the dealers in gold the power of continuing to draw out your gold, who for that purpose would bring those notes to the Bank?—In asking this question, the Committee do not seem to be aware that to the extent of discounting bills, which forms a very important part of the occasion of the issues of Bank notes, care is taken in the first instance that they shall be bills of real value, representing real transactions, and that they are all due within the period of two months; that parts of them are become due every day; so that unless renewed discounts take place, the payments of those bills as they become due would of itself take out of circulation such quantities of Bank notes as would deprive persons of the means to such extent of taking gold out of the Bank.

Mr. *Whitmore.*—In the case you have supposed of the value of Bank notes being raised by hoarding of them, would it be raised in exchange for bullion?—Provided the difference between such raised value of a Bank note and the price of bullion would make it a profitable trade.

By what criterion in such a case would you judge that the value of the Bank note was raised?—In the answer I before gave to that question, I had gone upon a supposition that the value of bullion abroad still afforded a profit upon the exportation of it; and until the price of bullion here exceeds the price abroad, there will not be wherewithal to exchange for Bank notes.

In order to simplify the case which you have yourself supposed, let it be assumed that in foreign countries matters remain unchanged, that the only change which has taken place is that the value of the Bank notes has been raised, as you suppose here, by the hoarding of them; in that case would then the value be raised here in exchange for bullion?—If the bullion cannot be brought into this country by any mode of payment to the foreign country it certainly can have no effect.

In the case supposed, which is all along your own supposition, of the value of notes being raised by the hoarding, would the prices of any commodities in the home market be lowered?—The Committee will please to observe, that when I gave the answer to the question, it was, upon my understanding of it, an extreme case and not a probable one, and I am not prepared with an opinion as to what effect it might have upon the price of any articles here.

Does not a rise in the value of any species of money or currency mean a fall in the prices of commodities?—I did not mean to state that, nor do I mean to state to the Committee any matter of opinion; I would rather wish to leave that to the judgment of the Committee, and I am ready to answer any points of fact.

Supposing the currency of any country to consist altogether of specie, would that specie be affected in its value by its abundance or by its diminution, the same as copper, brass, cloth, or any other article of merchandize?—I have already said that I decline answering questions as to opinion; I am very ready to answer any questions as to matters of fact; I have not opinions formed upon the points stated in this and the preceding question sufficiently matured to offer them to the Committee.

Has the Report of the Committee, together with the evidence of the Committee appointed by the House of Commons in the year 1804, to enquire into the state of Ireland as to its circulating paper, its specie and current coin, and the exchange between that part of the United Kingdom and Great Britain, ever come under the consideration of the court of directors of the Bank of England?—It certainly has not recently been under the consideration of the Bank directors.

Has it ever been under their consideration since June 1804?—It certainly has not recently been under the consideration of the court of directors collectively.

Mr. *Pearse.*—It never has been under their consideration formally, though, no doubt, it came under their consideration individually at that period.

Are either of you aware, that the principal cause of the unfavourable course of exchange which then existed between Dublin and London, was stated by that Committee, in their opinion, to arise from an excess of paper circulation, and the consequent depreciation of its value; and that this excess arose principally from the great increase of the notes of the Bank of Ireland?—It is not now in my recollection what was stated by the Committee at that period in their Report; and I cannot apply the same effects to the notes of the Bank of England. I wish very much to state the same which has been represented by the governor, that I have not recently read over the evidence and information which induced that Committee to entertain such opinions, and particularly as I do not recollect also whether the paper of the Irish Bank was issued in the same manner as that of the Bank of England, and with the same caution.

We wish to repeat to you some of the questions which you formerly answered. You stated in a former examination, "Supposing the excess of the market price of gold in Bank notes above the Mint price to be 5 per-cent. and that in consequence a drain of guineas takes place from the Bank, and the Bank, by diminishing the amount of its outstanding demands, raises the value of its paper 5 per-cent." in the manner described in a former answer of yours, would not the result be to bring the market and the Mint price of gold to a par, and consequently to put a stop to the demand for guineas?

Mr. *Whitmore.*—I believe my former answer did not go to the Bank raising the price of their notes, for in fact, if the Bank was to raise the value of them, and give them for discounts, estimating them at such encreased value, it would incur the penalty of usury. I therefore conceive this statement to suppose a case that cannot occur.

In taking into consideration the amount of your notes out in circulation, and in limiting the extent of your discounts to merchants, do you advert to the difference, when such exists, between the market and the Mint price of gold?—We do advert to that, inasmuch as we do not discount, at any time, for those persons who we know or have good reason to suppose export the gold.

Do you not advert to it any farther than by refusing discounts to such persons?—We do advert to it, inasmuch as whenever any director thinks it bears upon the question of our discounts, he presses it forward for discussion.

The market price of gold having in the course of the last year risen as high as 4*l.* 10*s.* or 4*l.* 12*s.* has that circumstance been taken into consideration by you, so as to have had any effect in diminishing or enlarging the amount of the outstanding demands?—It has not been taken into consideration by me in that view.

Mr. *Pearse.*—In considering this subject with reference to the manner in which Bank notes are issued, resulting from the applications made for discounts to supply the necessary want of Bank notes, by which their issue in amount is so controlled that it can never amount to an excess, I cannot see how the amount of Bank notes issued can operate upon the price of bullion, or the state of the exchanges, and therefore I am individually of opinion that the price of bullion, or the state of the exchanges, can never be a reason for lessening the amount of Bank notes to be issued, always understanding the control which I have already described.

Is the Governor of the Bank of the same opinion, which has now been expressed by the Deputy Governor.

Mr. *Whitmore.*—I am so much of the same opinion, that I never think it necessary to advert to the price of gold or the state of the exchange, on the days on which we make our advances.

Do you advert to these two circumstances with a view to regulate the general amount of your advances?—I do not advert to it with a view to our general advances, conceiving it not to bear upon the question.

Mr. *Pearse.*—In confirmation of this opinion, I wish to draw your attention to what I have before expressed, as will be shewn in fact by the statement delivered in just now, in answer to a former question, being a comparison of the amount of the total of Bank notes at various periods, with the state of the Hamburgh exchanges at corresponding periods.

Has not the amount of your outstanding demands increased in the course of the last year?

Mr. *Whitmore.*—The return that we have made to the House, of the amount of our Bank notes in circulation, takes in the whole of our discounts and of our advances on exchequer bills, and if the one has increased, the other I consider to have been diminished, as the amount now and at a former period very nearly correspond, with the exception only of our notes of one and two pounds; as it appears, I believe, by a return to the House of Commons, that in the beginning of the year 1795, in February and March, the amount of our Bank notes in circulation was fourteen millions, and by the last return on the 12th of January last, it was 14,668,640*l.*, and on the 6th of this month it was 13,894,000*l.* exclusive of Bank post bills and notes under five pounds.

Were the Bank post bills excluded in the return that you speak of, to the House of Commons, of your circulation in 1795?

—To the best of my recollection they were excluded.

State to the Committee what is the criterion which enables the Bank at all times to ascertain that the issue of Bank notes is kept precisely within the limits which the occasion of the public requires, and thereby to guard the circulation of this country against the possibility of any excess; and in what manner the controul necessary for maintaining uniformly an exact proportion between the occasions of the public and the issues of the Bank, is exercised and applied by the Court of Directors.—I have already stated that we never forced a Bank note into circulation, and the criterion by which I judge of the exact proportion to be maintained is, by avoiding as much as possible to discount what does not appear to be legitimate mercantile paper. The Bank notes would revert to us if there was a redundancy in circulation, as no one would pay interest for a Bank note that he did not want to make use of.

Mr. *Pearse.*—I agree in that opinion, and beg to make these additional observations; that in discounting bills that are sent to us for that purpose, for which a discount is taken at the rate of five per cent. per annum. if there was with the public an excess of Bank notes, those bills would be sought for discount by the public at a reduced rate, and would not make their appearance at the Bank. We have daily evidence in our discounting of the indications of the abundance or scarcity in the quantity of bank notes, by the applications for discounts, for the reasons already assigned, which is particularly proved by our experience on the Tuesdays and Wednesdays in every week, in consequence of our discounting London paper on the Thursdays only, producing by that operation, invariably, a certain degree of scarcity the two preceding days, and a plenty the day following.

Do you measure the scarcity by the application for the discount of good paper?—Certainly, and our discretion by the quality.

Then your measure of scarcity or abundance is by the greater or less application that is made to you for the discount of good paper?—Certainly.

Does not the circumstance, of individuals applying for advances, or not so applying, at 5 per cent. indicate rather a deficiency or a redundancy of the mercantile capital than a superfluity or want of circulating medium?

Mr. *Pearse.*—I am not of opinion that the application for Bank notes is for any other purposes than as a circulating medium in the interchange of property.

Is it your opinion that the same security would exist against any excess in the issues of the Bank, if the rate of the discount were reduced from five to four per cent?

Mr. *Whitmore.*—The security against an excess of issue would be, I conceive, precisely the same.

Mr. *Pearse.*—I concur in that answer.

If it were reduced to three per cent?—

Mr. *Whitmore.*—I conceive there would be no difference, if our practice remained the same as now, of not forcing a note into circulation.

Mr. *Pearse.*—I concur in that answer.

You have stated, that the control which guards the public against any excess in the issues, is that no person would be disposed to pay at the rate of five per cent. interest to the Bank for the use of their notes, if his occasions did not require such an advance, and that this is the criterion by which you judge of the occasions of the public being adequately supplied; might not such person be disposed to obtain this accommodation from the Bank, if any prospect offered itself to his speculation by which great profit might be derived from the use of a capital so obtained, although the wants of the circulation might not require any such addition?

Mr. *Whitmore.*—In my view of the subject, nobody would pay three per cent. interest even, or any interest of money unless it were for the purpose of employing it for speculation; and provided the conduct of the Bank is regulated as it now is, no accommodation would be given to a person of that description.

March 14, 1810.

FRANCIS HORNER, Esq. in the Chair.

JOHN LOUIS GREFFULHE, Esq. attended, and delivered in a paper, containing a statement of the prices of Gold and Silver at Amsterdam and Hamburgh; and was examined.

Do you conceive that before the suspension of the cash payments by the Bank, large quantities of gold may have been exported, being taken from the coin of this country, in the event of a very unfavourable exchange?—Certainly, whenever the exchange was low enough to draw gold and silver out of the country.

Do you conceive that such a transmission of gold used materially to operate in rectifying the exchange?—It would operate in part payment of the balance of payments against this country.

Would such exportation operate, in any other manner than an equal value of any other commodity?—Not in my opinion.

In point of fact, in the month before the restriction upon the Bank issue, was not the exchange very much in favour of England?—It was in favour of England; not materially so.

Do you believe that at that rate of exchange, any great quantity of bullion would be sent from England?—Not at that rate of exchange.

Is it your opinion that the demand upon the Bank for gold immediately preceding the restriction in 1797, was for exportation, or that it was for the purposes of circulation in England?—I should conceive that it was for internal purposes.

You state, that the exportation of gold would have no other effect upon the foreign exchanges, than the exportation of the same value of any other commodity; would not the exportation of the gold bullion naturally be followed by the exportation of the gold coin, and would not the exportation of the gold coin, supposing no forced paper circulation to exist, produce a scarcity of money in the country, which would tend to counteract the state of the exchanges?—I conceive that that scarcity of money could be but very momentary, and that other means would speedily be devised to supply the wants of circulation.

What other means can be created, other than a forced circulation of paper?—I conceive that the wants of circulation would be supplied by paper not forced.

But in that case, is it not your opinion that if no forced paper circulation existed in the country, it would not be possible for the exchanges to fall materially below their par, or for the price of bullion to rise materially above its standard price?—I conceive that that would not prevent the exchange from falling very considerably under par, if the amount of bullion in the country were not sufficient to pay the balances.

Do you recollect any instance of the exchanges having fallen materially below par while Bank notes were payable in specie?—Since I have been in business, I recollect no period, prior to the suspension of the cash payments by the Bank, when the exchange was considerably below par.

As long as guineas can be procured for Bank notes, and that those guineas can be exported, how is it possible that the exchange can fall more below par than the equivalent of the expence of exporting the gold?—It cannot as long as guineas can be procured in sufficient quantities.

Supposing Bank notes to be payable on demand, in what manner do you conceive that the foreign exchange is checked in its decline, supposing the balance of trade to be against this country?—By the exportation of the coin of the country.

In that case, what prevents the whole of the bullion and the coin of the country being exported?—The wants of circulation and other circumstances may keep a certain proportion of the specie in the country, but I should conceive no material proportion.

Then this exportation of the bullion or specie would at last be limited by the wants of the country for its own circulation?—By those wants and other circumstances which I alluded to, such as hoarding, &c.

Would not such a state of things necessarily produce the impossibility of procuring from abroad a greater value of foreign produce than we could pay for, after allowing sufficient for our circulation at home?—The value of such foreign imports might exceed the means of payment in bullion and specie, the effect of which would be to depress the exchange till its low rate produced the further means of payment wanted; by bringing foreign money into the country, and inducing exports, further imports would at the same time be checked; and from that two-fold cause an improvement of the exchange take place.

According to your opinion, therefore, where there is no forced circulation of paper, the consumption of foreign articles will limit itself entirely by our means of paying for them; but when a forced paper circulation existed, that over-consumption of foreign articles shews itself in a depreciation of that paper, and has no natural corrective?—The consumption of foreign articles must of course be limited by our means of paying for them, but those means may arise from other articles when the disposable bullion and specie are exhausted: I do not see the connexion between such consumption of foreign articles and a forced paper circulation; in the latter case, the fall of the exchange would be owing to a different cause altogether, which is the discredit and depreciation of the forced paper currency.

What do you mean by a forced paper circulation?—A paper which is by law made a legal tender to the amount of its expressed value, or rather a legal discharge of a debt.

In what is the paper circulation of this country, as it at present exists, different in its practical operation from a forced circulation?—In the first place the paper of this country is no legal discharge of a debt; secondly, the paper of this country is issued when called for, in exchange for valuable securities, in which respect it is essentially distinct from what I call a forced paper, which may be issued both without limits and without any security whatever.

From the paper which you have given in, it appearing that the market price of bullion at all the great markets of Europe having risen above the market price of England, while the Mint price of England remains fixed, does not the difference between 3*l.* 17*s.* 10*d.*½ per ounce the Mint price, and 4*l.* 12*s.* the market price, account for the present agio between guineas and Bank notes and the market price of gold?—I beg leave to observe, that there has been no alteration of late in the Mint price of gold in foreign places, nor have the market prices experienced an advance at all, relative to the rise that has taken place in England; one of the papers I have delivered, shews the foreign prices reduced into sterling money at the present low rates of exchange; and the excess above our market price may be about equal to the charges of conveyance.

Is there not an agio in favour of gold, calculated at its present par at Hamburgh, Amsterdam, and Paris, against the currency of those places?—I find an agio in favour of gold regularly quoted at Paris, at from 15 to 25 cents. per cent. which is 1-7th to 1-4th per cent.: at Hamburgh and Amsterdam there is no such established difference, but it may perhaps be worth notice, that in the latter place the principal current coin, that is, ducats, intrinsically worth five guilders and five stivers, sell at the rate of five guilders and 12 to 14 stivers.

Do you not consider this difference to be an agio in favour of gold?—Certainly; but in some degree in favour of the gold coin, which is eligible for many purposes.

When you state that there is an agio at Paris, upon gold against silver, of from 1-7th to 1-4th per cent. do you mean that that is the excess at Paris of the market price of gold above its Mint price, or do you mean that that is the difference between the excess of the market price of gold above its mint price, and the excess of the market price of silver above its Mint price?—I conceive it to be rather a trifling premium in favour of the current gold in coin.

Supposing you had a pound weight troy of gold of the English standard at Paris, and that you wished by means of that to procure a bill of exchange upon London, what would be the amount of the bill of exchange which you would procure in the present circumstances?—I find that a pound of gold of the British standard, at the present market price of 105 francs, and the exchange at 20 livres, would purchase a bill of exchange of 59*l.* 8*s.*

At the present market price of gold, in London, how much standard gold can you purchase for 59*l.* 8*s.*?—At the price of 4*l.* 12*s.* I find it will purchase 13 ounces of gold, within a very small fraction.

Then what is the difference per cent. in the quantity of standard gold which is equivalent to 59*l.* 8*s.* of our currency as at Paris and in London?—About 8½ per cent.

Suppose you have a pound weight troy of our standard gold at Hamburgh, and that you wished to part with it for a bill of exchange upon London, what would be the amount of the bill of exchange, which, in the present circumstances, you would procure?—At the Hamburgh price of 101 and the exchange at 29, the amount of the bill purchased on London would be 58*l.* 4*s.*

What quantity of our standard gold, at the present price of 4*l.* 12*s.* do you purchase for 58*l.* 4*s.*?—About 12 ounces and 13 dwts.

Then what is the difference per cent. between the quantity of standard gold at Hamburgh and in London, which is equivalent to 58*l.* 4*s.* sterling?—About 5½ per cent.

Suppose you had a pound weight troy of our standard gold at Amsterdam, and wished to part with it for a bill of exchange upon London, what would be the amount sterling of the bill of exchange which you would procure?—At the Amsterdam price of 14¼, exchange 31. 6. and bank agio 1 per cent. the amount of the bill on London would be 58*l.* 18*s.*

At the present price of 4*l.* 12*s.* what quantity of our standard gold do you purchase in London for 58*l.* 18*s.* sterling?—12 oz. 16 dwts.

How much is that per cent?—7 per cent.

What, in your idea, constitutes the par of exchange between any two countries? —An equality of the respective currencies of the two countries, compared with reference to their fineness and weight.

Then does not the difference of the exchange between any two countries, from the established par at any one time, consist in the different quantity of the precious metal which is equivalent at the two places to a given sum, in the currency of either?—I should think not exactly, as the respective market prices of gold and silver may be influenced by momentary circumstances, and not be strictly accordant with the state of exchange.

Are you aware, whether or not there is any depreciation of the current guilder at Amsterdam?—I am not aware of any such depreciation, beyond the loss of weight arising from circulation.

Is not the great difference in the price of gold above its par at Amsterdam, owing to the depreciation of the guilder?—I conceive not; the price of gold as compared to the current guilder, which is the regular mode of selling it at Amsterdam, has been considerably higher at former periods.

What do you consider to be at present the relative value of gold to silver in Europe?—I cannot answer that question without referring.

Can you state from memory, whether there has been any remarkable change in that relative value of late years?—The value of gold seems, upon the whole, to have experienced some increase, as compared with silver, during the last few years.

If the supply of silver from the mines were increasing in a greater proportion than the supply of gold, would not that have the effect of raising the relative value of gold in the general bullion market, the world?—I should conceive so.

If, from any political circumstances, there should be a long continued increase of the demand for gold above what had been the former demand for it, would not that also have the effect of raising the relative value of gold to silver?—Certainly.

Are you informed whether there has been any recent change in any of the continental mints, of the relative value of gold to silver in their coins?—I am not aware of any alteration.

Are you acquainted with any material fluctuation in the price of gold on the Continent during these last two years?—There have been very considerable fluctuations.

In your opinion, from what causes do these fluctuations arise?—I conceive demands might arise from a variety of causes.

Have not the demands for the payment of armies during war, always created a considerable addition to the price of gold? —Yes, probably some addition; and many other causes might be assigned for a comparative high price of gold, such as the anxiety to convert property into gold, from the effects of alarm produced by war or other political circumstances, which gold may probably be hoarded, or otherwise withdrawn from circulation and from the general market, to a considerable extent.

Would not the high price of gold on the continent, as compared with silver, be followed by a high price in England? —The effect would naturally be felt in England.

In a country where the measure of value was a gold currency, and where, therefore, the prices of all articles were expressed with reference to gold, would an increase of demand for gold bullion, from any circumstances, political or other, affect the price of gold bullion in that country so as to raise it above its Mint price?—Certainly not, admitting the coin itself to be exportable and not to have lost in weight; but in a country where there was a law against exporting the gold currency, and supposing that law to be effectually executed, I conceive that the price of exportable gold, compared with the current coin of the country, might be enhanced to the full extent of the fall of the exchanges, deducting the charges of conveyance.

WILLIAM CECIL CHAMBERS, esq. called in, and examined.

In what line of commerce are you?—A general merchant.

Are you acquainted with the subject of exchanges between this country and the continent?—Very little exchange business has been doing of late years, and less even since I have been established than used to be.

What has that been owing to?—To our exclusion from many parts of the continent, to which before we had free access; beginning with the French Revolution, which destroyed one of the three great exchange-marts in Europe.

Do you not conceive that the course of exchange between any two countries is liable to be affected either by the balance of payments arising out of the trade between the two, or by alterations which may take place in the currency of either?—By the first circumstance certainly, and I suspect by the latter also.

If the exchange is rendered unfavourable to one country by the balance of the debts which it owes to the other, are you not of opinion that such depression of exchange will be limited by the expence of transporting specie to equalize that balance?—Yes, if a sufficient quantity of the precious metals exist on the debtor side, and no impediments oppose its transmission.

If a country pays its bills part in paper and part in specie, as in Portugal, and that paper is at a discount, does it not, in the degree of that discount, render the exchange unfavourable to that country?—Certainly, in my opinion.

Would not consequently the exchange rise in favour of Portugal, if now they paid their bills entirely in specie?—Yes, or in paper that was not at a discount.

Supposing a country which used cochineal as an article of manufacture, exported large quantities of that commodity to balance its account with foreign nations, would not such exportation raise the value of cochineal in the country exporting it?—The scarcity of any article naturally enhances its price.

Might not this enhancement of the price of cochineal proceed so far as to make ineligible the exportation of any more?—If the price here of the article to be exported rose above that of the foreign market for which it was intended, it would naturally cease to be exported.

Are not the same consequences likely to follow from the exportation of bullion in liquidation of foreign debts?—I cannot consider bullion, as an article of merchandize, to be affected otherwise than any other article of merchandize.

Have you ever had opportunities or occasions to consider the effect of an excessive or forced paper currency in any country upon its foreign exchanges with other countries?—In a small degree I have.

What do you conceive the effect of such excess to be upon the foreign exchanges?—I apprehend the effect on the exchange would follow the depreciation of a forced currency.

What do you say as to an excessive currency, though not forced?—I do not conceive the thing possible.

What do you mean by a forced paper currency?—A paper which I am obliged to take against my will for more than its value; it is not forced so long as people take it willingly, which they will naturally do whilst undepreciated.

May not the quantity of metallic currency be increased in proportion to payments which it has to effect, by an increased issue from the mines; and will not that have the effect of raising the money prices of all commodities?—I conceive an increase or abundance of silver or gold would have the same effect upon those precious metals as a glut of any other commodity upon the market.

And in the same manner, may not that paper currency which continues to preserve its credit unimpeached, and which commercial people are perfectly willing to receive, be so augmented in quantity as to raise the local prices of commodities?—I do not conceive that that piece of paper, for which I am obliged to give a valuable article of merchandize, can be increased beyond the want for it; nobody will give a valuable article for a piece of paper that does not want it.

Have you ever happened to pay any attention to the history of the paper currency of Scotland between 30 and 40 years ago, or to that of Ireland about the year 1804?—Some years ago I remember reading something about them; but the recollection is rather faint upon my mind.

Do you call that paper, in your sense of the word forced, a forced paper currency, which either by law as it stands, or by force of public opinion, is not convertible into specie at the option of the holder?—If it be convertible into other objects of my gratification without depreciation, I do not consider it forced.

At the Mint price of standard gold in this country, how much gold does a Bank of England note for 1*l.* represent?—5 dwts. 3 grs.

At the present market price of standard gold of 4*l.* 12*s.* per ounce, how much gold do you get for a Bank note of 1*l.*?—4 dwts. 8 grs.

Do you consider that a Bank of England note for 1*l.* under these present circumstances, as exchangeable in gold for what it represents of that metal?—I do not conceive gold to be a fairer standard for Bank of England notes than indigo or broad cloth. [Question repeated.] If it represents 20*s.* of that metal at the coinage price, it is not.

If I go to a silversmith's shop, and see a gold cup, which he tells me is in weight exactly a hundred guineas, and that he must have 10*l.* more for the workmanship, will he give me that cup for 115*l.* in Bank notes, gold bullion selling at 4*l.* 12*s.* per ounce?—He will sell his gold cup as he would any other bullion, at the bullion price I suppose.

Am I to understand by that, that he would sell his cup for 120*l.* or thereabouts, being the value of the gold, besides the 10*l.* for the workmanship?—Yes.

Will you state to the Committee, in your opinion, to what causes is referable the present unfavourable state of exchange between England and the continent?—To the balance of payments being against this country.

Can you give cases to illustrate the fact that you have assigned, of the balance of payments being against this country?—Large British armies on the Continent; slow returns for exports; quick payments for imports, and very large stocks of imported goods now on hand in this country.

Is there any other cause to which you attribute the present state of exchange?—I know of none other that can affect it, excepting that of a forced depreciated currency.

Is it your opinion that the currency of England is depreciated?—Certainly not.

Is it the course of trade between Great Britain and the Continent of Europe to pay by anticipation sometimes, or by ready money, for our imports?—Almost without exception, as far as comes within my knowledge.

State the course of payments which the Continent makes to England for its exports.—The English merchant exporting on his own account, is generally obliged to wait the sale of the goods exported before he gets his payment, and often gives long credit to foreigners for whose account he exports.

From this course of trade does it not follow that the Continent, at the present time, must be indebted to England?—I conceive it to be so generally, and know it to be so as respects myself individually.

You have stated, that there is at this present time a large quantity of merchandize on hand in England; is that quantity larger than in former years it has been?—In some articles I conceive it to be so, to many of which I have especially adverted before, namely, Baltic produce and foreign wool.

Do you include in foreign wool, cotton wool?—I do not know that the quantity of cotton wool is larger than it has often been at former periods.

For such articles as we import from the Continent for the purpose of exportation to the Colonies, such as wines, linens from Germany and Russia, iron from Sweden, for which we have paid, do we not give credit for 12 or 18 months when so exported?—I consider those happy who get paid so soon.

March 15, 1810.

FRANCIS HORNER, Esq. in the Chair.

JAMES WILLIAM MORRISON, Esq. Deputy Master of his Majesty's Mint, called in, and examined.

Can you state to the Committee, whether any examination has been recently made at the Mint with respect to the degree in which the present gold coins of the realm are worn and diminished in weight?—The last examination was made in April 1807.

What was the result of that examination?—I have brought a copy of a paper stating the result of experiments made by the officers of the Mint, by order of the lords of the Committee for coin, the 18th of April 1807, to ascertain the deficiency in weight of the gold coin of the average quantity then in circulation.

Have no experiments been made since?—None.

[The Paper delivered in.]

Has any examination been lately made at the Mint to ascertain the quantities of precious metal contained in the coins of foreign European states?—No examination of that sort has been made since sir Isaac Newton was master of the Mint.

Are you possessed of any information, whether, since the assay of the foreign coins by sir Isaac Newton, any changes have taken place in the coins of those foreign countries?—I should apprehend some changes may have been made, though no official assay has been made; I think it very likely that the assay-master of the Mint might furnish the Committee with such information.

Then of course you have no information concerning the relative value of gold and silver in the foreign coins?—I have not; I understand there is a recent French publication, which contains important information of this sort.

From whom do you receive at the Mint the ingots of gold which have been produced from guineas?—From the Bank of England; they have been the sole importers of bullion into the Mint for half a century, with the exception of an instance which I remember of gold being brought by the Bank of Ireland to be coined.

Samuel Williams, Esq. a Merchant trading to the United States of America, called in, and examined.

Have you any information with respect to the present state of the currencies of the United States?—Yes.

What does it consist of?—Silver and gold; eagles is the gold coin, and dollars the silver. The accounts are kept in dollars and cents; an eagle is ten dollars, and a cent is an hundredth part of a dollar; the cent is a copper coin.

Is there any paper currency in the United States?—Bank notes, from a dollar upwards.

Are those Bank notes issued by private Banks only, or is there a Government Bank?—They are all private Banks, but incorporated; one is called the Bank of the United States, incorporated like the rest, which has seven branches in the different States.

Is the paper of any of those Banks a legal tender in payment, or are they all convertible into specie, at the option of the holder?—In the Bank of the United States and all its branches, and in all the Banks in the principal sea ports, the notes are payable in gold or silver on demand. I believe there are some country Banks, particularly in the State of Massachusets, which have lately paid only by drafts on the capital of the State at 30 days sight; they will soon, however, be compelled to pay in specie, or the charter will be taken from them.

Are the notes of those Banks in Massachusets payable in specie on demand?—Yes.

Then you do not understand that payment by drafts on Boston to be a legal discharge?—No, not at all.

Has this suspension of payment on the part of these Banks gone to any extent in amount, and from what circumstances has it arisen?—Four or five out of 25 of those Banks perhaps have paid by drafts instead of paying on demand; it has principally arisen from the state of things produced by the embargo.

Are the dollars and eagles you have mentioned, coins of the United States?—Yes.

Do you know the standard of those coins, and the quantity of each metal contained in them respectively?—The eagle weighs 11 dwts. 6 grs.; the dollar weighs 17 dwts. 7 grs., and it passes in China and in the East Indies at the same value as Spanish dollars.

Is that their standard weight, or their current weight?—The standard weight.

Do you know the average weight of dollars in circulation?—Seventeen pennyweights 6 grains.

Do you know the current weight of the eagle?—It may be a grain less. But, as the best mode of furnishing the information which I possess upon this subject, I beg leave to offer to the Committee a book which I have brought with me, intituled "The Massachusets Register, and United States Calendar, for the year 1808;" which contains tables for receiving and paying the gold coins of Great Britain, Portugal, France, and the dominions of Spain, according to acts of Congress; and a table of the weight and value of the American coins; also, a table of the value and weight of coins as they pass in the respective States of the Union, with their sterling and federal value, together with rules for reducing currencies. This book also contains a statement with respect to the United States Bank, and the Banks in Massachusets.

Are you able to state whether there is much of this gold coin in circulation in the United States?—I believe that gold composes the greater part of the specie that is in circulation in the United States, because dollars generally bear a premium.

Are they both legal tenders for any sums?—Yes.

Is there any limitation upon the offer of silver in payment of debts to any amount?—No, only of copper, which is only a tender for small payments, as in this country.

Then we understand you to state, that gold is more seen in circulation than dollars?—Yes, I think it is.

Is there much paper in circulation in

proportion to the specie?—Yes, a very great proportion; I should suppose nine tenths; I mean bank notes payable to bearer on demand.

Is the proportion of bank notes to specie in circulation in the United States, more or less than what you think it was in this country before 1797?—About the same, I should suppose.

Less therefore than it is in this country at present?—Yes.

What, according to your best information, is understood to be the amount of the quantity of paper in circulation throughout the United States?—The capital of all the banks is about 40 millions of dollars, perhaps three fourths of that may be in circulation in bank notes.

Are any of those Banks limited by law, or by the terms of their charters, as to the amount they may issue?—I believe not, they are so numerous that they are a check upon each other.

Is the circulation of each of those banks generally confined within a certain district, or do the notes of any one of them circulate throughout the States?—They are by practice confined more or less to their own local district; the bank notes of the United States Bank circulate freely throughout the States.

In what proportion would you say, that in any one of the States the bank notes of the bank of the United States bear to the local paper of such States?—The best information I can give, is to refer to the book I have delivered in, which contains a statement of the capital of the Boston banks, and that branch of the United States bank which is at Boston; I believe the capital of the country banks in Massachusets may be about two millions of dollars.

Do you conceive that the circulation of any of those banks bears a fixed or necessary proportion to the amount of their capital?—The notes of the Boston bank may amount to two-thirds or three-fourths of their capital.

Do you know that fact?—Yes, I do.

Is it an inference you derived from your knowledge of that fact, when you calculate the amount of the circulation of the other banks?—I conceive the country banks issue in a larger proportion to their capital.

Is it necessary to have a charter in order to carry on the business of banking in any part of the United States, or is that branch of trade free to all the world?—It is free to all the world; but unless they were chartered, people would not have confidence in them.

What privileges does that charter give?—They are authorized to issue notes for a certain time.

Are the proprietors responsible beyond their shares of the capital subscribed?—No.

Then that is the nature of the privilege which they derive from their charter, and the privilege of suing, and being sued?—Yes.

Do those country banks, and does the bank of the United States, receive deposits, or do they issue their notes upon the credit of commercial bills, or upon what other securities?—On commercial bills chiefly.

What date do those bills bear, and at what rate of interest are they discounted?—Sixty days date, and at 6 per cent.

Is there any general law in the United States limiting the rate of interest?—In Massachusets the rate of interest is limited by law at 6 per cent.: I believe in New York at 7; all the banks throughout the United States discount at 6 per cent.

Do those banks receive deposits?—Yes.

Do they give interest on such deposits?—No.

Is any thing paid to the bank for safe custody?—No.

What is the current market rate of interest in the country?—Six per cent.

Is it reckoned a favour to lend at 6 per cent. on the continent?—Yes.

Has there been any alteration lately in the current or legal rate of interest?—No.

What is the interest which government securities bear in the States?—For the securities of the individual States, the interest is 6 per cent.

Has the national bank any privileges above the other banks?—No other than that of receiving the public monies for duties, &c.

The national bank then is of course exclusively employed to pay the dividends on the public debt?—Certainly.

Does that bank make those payments gratuitously?—Yes.

What is the difference which you alluded to between the value of gold and silver, and the cause of that difference?—The difference is generally 1 to 2 per cent. and the cause is, a greater demand for the exportation of dollars to the East Indies and China.

When a demand to any considerable

amount is made upon any of the banks for a payment in specie, do they make that in eagles, the coin of the United States, or in foreign coin?—In both indiscriminately, because all foreign coins are received at the banks at the relative values established by Act of Congress.

Are those foreign coins in common circulation?—They are.

In mentioning the large proportion of gold to silver coin in circulation, do you mean to include this foreign gold coin as well as the eagles?—Yes.

What proportion does the foreign gold coin bear to the eagles in circulation?—As 9 to 1.

What sort of foreign gold coin is it? When I was in the country 10 or 12 years ago, it was chiefly Portuguese and Spanish gold; there were also English guineas and French gold, but not much.

Are the foreign gold coins in circulation uniformly received without any fluctuation at the relative value fixed by law?—They pass by weight.

Does the federal law of the United States, or does the law of any of the States, permit the exportation of their own coin, gold or silver?—The exportation is free.

Is there a seigniorage paid at the American mint?—I believe not.

Does the Spanish dollar pass by weight, or in the same way as the dollars of the States?—It circulates equally; I believe they are of the same fineness and weight.

Is there a general mint for the federal union, or are there more mints?—There is only one mint, a federal mint.

What is the relative value of gold and silver?—I believe 15 for 1.

Is it supposed that any large fund of gold or silver is deposited in the coffers of the banks you have described, and in what manner do they supply themselves with such as they have occasion for?—I suppose that large sums are deposited in the coffers of the banks, consisting chiefly of gold coin.

Are the banks in the United States exposed to sudden drains upon them for their gold or other specie, either in consequence of an alarm or a demand within the territory of the States, or in consequence of demands from abroad?—They are sometimes subject to sudden and great drains, when large sums are wanted for exportation to the East Indies and China.

That is a drain for silver?—Yes.

How high have you ever known the agio of dollars above gold?—Five per cent., the general average is from one to two.

Have you ever known a drain upon the banks for gold, from any cause?—No, never but upon the establishment of a new bank, and the consequent demand for gold to form its deposit.

Have you ever known instances of failures of any of those banks?—Only one in the state of Rhode island, which was a bank that issued notes without having any capital or funds to support it.

In what manner do those banks guard themselves against an inconvenient demand upon them for silver, when the premium is as high as five per cent.?—They pay in gold

Supposing there were a demand upon them for gold, in what manner would those banks endeavour to protect themselves from having their deposit drained off by their notes being brought in?—They are careful not to issue too many notes.

Do they lessen their paper when there is danger of drains upon them for gold?—Always; they often lessen their discounts very rapidly.

Under what circumstances is it that such a drain is felt or apprehended by the banks; is it when the exchange is peculiarly unfavourable?—It is not much affected by any exchange, but from their having issued too much paper.

When the drain is made upon them, to what purpose is the gold applied that is so taken out?—There may be a drain upon one bank out of four, to relieve the other three.

Do they ever experience a general drain upon all the banks?—No.

Do you remember any conjunction of circumstances affecting the country generally, which have made the banks take more than ordinary precautions in lessening the amount of their circulation?—I do not recollect any.

Is it the custom of the several banks to possess themselves of each others paper, and then to exchange that paper for gold when they experience a drain?—It is mutually the case.

Is there no one bank that has any exclusive circulation in any one part of America, and to whose funds the other banks more particularly resort for a supply of gold?—No.

Do you remember at any time the exchange on England being so unfavourable to America, that there was a profit by exporting specie from America?—Yes.

Was it gold or silver?—Silver, generally; and it was when the price of silver was high in this country.

From what causes did that state of exchange unfavourable to America arise?—From the large importations from this country chiefly, and the reduced exportations from America.

Did that cause any drain of gold?—No, only of silver.

Do you remember any period since the independence of America, when the paper circulation of that country was regarded as excessive?—Not since the independence.

Has there been any forced Government paper in America since the independence?—No.

Is there in any of the principal towns of the United States, a market price for gold or silver bullion or coin, as there is in the principal capitals of Europe?—No, there is not.

Is not the currency different in the different states?—All the national accounts, and all the accounts of merchants and bankers, are kept in dollars and cents.

Then what is the use of those rules which are given in the book you have delivered in, for reducing the currencies of the different States?—Some few old people may still reckon by the old currency of pounds, shillings, and pence.

How does it happen, that a different rule should be necessary as between different States?—Before the independence, there were excessive paper currencies in all the States, which were liquidated at different rates, the degree of excess in the separate States being different, in the same manner as has been done in the different West India islands; and the persons who still continue to compute according to the old fashion, compare the new currency and accounts of dollars and cents with their former currency as so liquidated.

In those times preceding the independence, had the different States a local copper coinage?—No, the copper coinage was all British.

Is there a course of exchange between America and any other country?—Yes.

With what countries?—England principally; also with France and Holland.

Is the course of exchange the same between England and all the States, or is there a different exchange?—Nearly the same; there is a difference of one per cent. only.

What is the par of exchange between the United States and France?—I never saw the exchange with France quoted in any price current; it has been quoted with Holland, Hamburgh, and England.

What is the par of exchange between the United States and Hamburgh?—I cannot answer that question, nor that with Holland; all the transactions between America and Europe are settled upon the exchange in England.

Is there any thing like a course of exchange between America and the East Indies or China?—No.

What is the par of exchange between the United States and Great Britain?—There has never been any fixed; what we consider as the par of the American or Spanish dollars is 4*s.* 6*d.* sterling.

Are the exchanges with England quoted with reference to this par in dollars?—No; they generally draw in pounds sterling.

How do you draw upon them?—Very few such transactions ever take place.

If you were to draw a bill upon America, in what terms would you draw it; in dollars or sterling?—In dollars, converting the pounds sterling into dollars at 4*s.* 6*d.*

Is there an exchange of the United States on England, as well as of England on the United States?—No; there is only an exchange from America on Great Britain.

What is the present exchange from the United States on England, and has that varied much within the last 12 months?—In the month of January last the drawer in America received from 96*l.* to 97*l.* for a bill of 100*l.*—[The Witness gave in a paper, intituled "Average of Exchange, New York on Great Britain, from 1804 to 1808 inclusive, and Exchange at Boston in 1809."]—The difference between New York and Boston is pretty steadily one per cent. lower at Boston than at New York, that is, the merchant at Boston gets one per cent. less than the merchant at New York.

In this mode of stating the exchanges, whether it be in dollars or pounds, the par seems to be in fact an equal number of either?—Yes.

It would appear from this account, that the exchange remained in favour of this country from about the beginning of 1805 to the end of 1807, and that during the year 1808, and until April 1809, the exchange was against this country as much as from 6 to 10 per cent.?—Yes.

What do you consider to have been the cause of that state of the exchange in 1808 and the first quarter in 1809?—It was owing to the embargo, and the reduction of exportation from America to this country, to equalize the balance of imports from this country.

What is the expence of transporting specie from the United States to England, covering all the expences and risk?—At this moment it would be about 5 per cent.

During the year 1808, when the exchange was from 6 to 10 per cent. against the United States, do you know whether any specie was transported from thence to this country?—The exportation was prohibited of course by the embargo.

March 16, 1810.

FRANCIS HORNER, Esq. in the Chair.

JOHN ALLEN, Esq. called in, and examined.

Have you had any opportunities of acquiring information in respect to the produce of the mines of Spanish and Portuguese America within any recent period?—I was in Spain and Portugal from 1802 to the beginning of 1805, and during that time I endeavoured to procure information upon those subjects; the result of which I am ready to lay before the Committee, as well as other information which I have since collected upon the same subject.

[Mr. Allen then delivered in "An Account of the produce of the Royal Fifth in the Captain-Generalship of the general and new Mines of Brazil, from the 1st of August 1751 to the 31st of December 1794:" Also, "An Account of the Royal Fifth from the district of Goiazes in Brazil, from the year 1788 to 1795, with a table comparing Portuguese with English weights."]

On what authority do those two accounts rest?—They were obtained originally from the books of the Mines from Brazil transmitted to Lisbon, from which books those accounts were extracted by the gentleman who communicated them to me.

[Also, "An Account of the coinage of Mexico, from 1733 to 1793 both inclusive:"]

What is that work, entitled Merlchorio Peruena, from which this account professes to be taken?—It is a work that was published periodically at Lima, by persons who had access to official and correct information on those points.

[Also, "An Account of the coinage of Mexico, in silver, from the year 1795 to 1804, both inclusive:"]

This was given to me by Mr. Angevault Morney, who had received it from Don Emanuel Sexto Espinosa, Director of the Caxa de Aconsolidation at Madrid:

[Also, "An Account of the produce of the Mines of Peru, of the coinage of Lima, and of the Mines of Chili, and a general estimate of the annual coinage of Spanish America, collected from the different authorities which are stated in the account:" Also, "A Statement, with respect to the Spanish Mint, of importation of gold and silver into Spain, and the duties on silver and gold:" Also, "An Estimate of the proportional quantities of gold and silver extracted annually from the Mines of Spanish and Portuguese America at the present time, compared with the same statement 50 years ago."]

Mr. Allen desires to state, in giving in this paper, that since he has formed that estimate from the authorities mentioned in this and the precedent accounts, he has found a similar account stated in a foreign work of authority, entitled, Traite Elementaire, by Brongniart, from which he will send an extract to the Committee.

[Also, "An Account of the produce of the Mines at Potosi, from 1556 to 1800, both inclusive, upon the authorities mentioned in the accounts. And an Account of the coinage of the Royal Mint of Potosi, of gold, from the year 1780 to the year 1790, and of silver from 1773 to 1790."]

Does it not appear from these papers, that upon the whole, the annual quantity of gold, from all the Mines taken together, is in a somewhat decreasing state up to the period of 1794 or thereabouts?—In the course of half a century it has decreased in the proportion of about 6 to 5.

Do you conceive that since 1794 any particular change in respect to its quantity has taken place?—I have no information on the subject, except what I have derived from the work of Brongniart, which I have just mentioned, and from which I shall send an extract to the Committee. I find that he makes the proportion of silver to gold, from 1790 to 1802, the same which I have calculated it to be at the antecedent period, and which I think is a just inference, if there had been no material alteration in the proportionate quantity, as well as a presumption in favour of the accuracy of both statements.

What has been the increase in the quantity of silver?—In the course of half a century the increase has been in the proportion of three and a half to two; my account of three-fifths of the silver produced, reaches down to 1804, and the account of Potosi to 1800.

Have you had any opportunity of collecting information with respect to the progressive state of the prices of grain in Spain during the last half century?—I have here a statement of the prices of wheat and barley in Seville from 1675 to 1764.

[Mr. Allen delivered in several papers. "Prices of fanega of wheat and barley from 1675 to 1764 both inclusive, taken from the current prices in the market of Seville. Prices of the fanega of wheat and barley from 1765 to 1787, both inclusive, from a comparison of the prices in the market towns of Castile. Prices of the fanega of wheat and barley from 1788 to 1792, both inclusive, in the chief market towns of the two Castiles, Andalusia, and Estremadura. Prices of wheat and barley from 1793 to 1804, in the market of Medina and of Rio Seco."]

Is there a paper currency in Spain?—There was a Government paper currency, which was depreciated very considerably.

Was it forced in payments?—No, it was not.

To what was the depreciation owing? I am not prepared to answer that question; it was partly owing to want of confidence in that Government, and partly to an over-issue of paper.

Was it a paper currency which circulated in small payments?—No; it consisted of three sorts of notes, one of six hundred piastres, one of three hundred, and another of one hundred and fifty.

Was the depreciation such as to have occasioned two prices?—The paper passed at a depreciated value.

Was that paper received by Government in the payment of taxes?—I believe not.

Can you state what the expence is of transporting specie to Spain?—I can hardly venture to state it from recollection; I have materials which will enable me to state what the expence is of transporting specie from Lima to Spain; what it is from Vera Cruz I do not know.

Does the information which you possess, relate to a period of war or peace?—It relates to the period from 1790 to 1796.

Have you any means of stating what it is at the present time?—I have not.

Do you know whether the importations from the colonies to the mother country have been regular, up to any recent time?—I believe not; they have been interrupted by the war with England.

Have there been any considerable importations within a very recent period?—There has, since the cessation of hostilities with England, been a very considerable importation, but I cannot say to what amount.

Can you state whether there is any considerable quantity of gold or silver in circulation, or hoarded, or brought to the market, or laid up in stores, in Spain or Portugal?—There is no want of silver in circulation, but there is a scarcity of gold both in Spain and Portugal: there was not so much gold to be had last year, when I was there, as in 1804.

Has not gold, at the last period to which you have alluded, increased in value when compared with silver, and how much?—There was always a small agio on gold in Spain; it is very difficult to get any at present, and I believe the agio has increased, but I cannot say to what amount.

John Whitmore, Esq. the Governor, and John Pearse, Esq. the Deputy Governor of the Bank of England, called in together; and examined.

Suppose a case in which no demands were made upon the Bank by Government for unusual accommodations, but an unusual demand was made by merchants for increased facilities of discount, would the Bank in such a case consider itself as bound, in order to support public credit, to grant that increase of discounts, although there was a run upon it for gold occasioned by the high price of bullion and the unfavourable state of the exchange?—I now consider my answer as my own opinion, not having the opportunity of consulting the Bank upon the question; in my opinion the Bank would not increase their discounts, nor on the other hand would it, I think, after the experience of the years 1796 and 1797, do well materially to diminish them.

Do you mean that they would lean rather to the side of diminution?—They would rather lean to that side than to the other.

What do you consider as the result of the experience which the Bank gained in 1796 and 1797, alluded to in your preceding answer?—The experience the Bank gained in those years was, that if they had persisted in diminishing their discounts to a greater degree than they did, they would have brought on ruin to the mercantile part of the community.

Did not the diminution of discounts at those periods create great public distress?—Insomuch so as I have already stated; many of the Bank directors repented of the measure.

Was not the drain upon the Bank which took place at that time, occasioned chiefly by a demand for an increased quantity of gold in the country, in consequence of the failure of country banks, and a disposition to hoard guineas through the fear of invasion?—To the best of my recollection there was at that period failures of some of the country banks, and that a consequent demand was made upon the bank for guineas; the circumstance of hoarding may probably also have had some influence upon it.

Was not then the distress which at that time attended the restriction of the discounts of the bank, occasioned by the want of a substitute for Bank notes suppressed by the country banks?—It was, I conceive, occasioned in part by the want of confidence which those failures had occasioned, and the other part by hoarding.

If the government had paid back the advances made to it at that time, would it have been necessary to have reduced those discounts materially?

Mr. *Pearse.*—I think it would have been absolutely necessary for the bank to have thrown into the public, either by way of discount or in some other way, an equal quantity of bank notes that would have been annihilated by such payments from the government to the Bank. Such repayment by government certainly would have afforded a greater scope to the Bank to give discounts to the merchants, which however must have been ultimately regulated by the extent and continuance of the demands made upon it for gold, as it must be obvious that the Bank (however reluctantly, yet from a regard to its own security) would have found it necessary to diminish the amount of its notes, by withholding discounts in proportion to the run upon it arising from failures of country banks, fears of invasion, and other causes of alarm, although it is equally clear that this diminution of notes would have aggravated the difficulties which occasioned the run upon the Bank, and rendering this conduct necessary on its part.

May it not be, then, that a proportion of the notes so paid in by government might have been issued for discounts?

I intended in my former answer to have said it would be necessary to increase the amount of our discounts, having lessened the advances to government.

Mr. *Pearse.*—Certainly it might, but still the same necessity would have existed on the part of the Bank to have diminished the sum total in circulation in proportion to the call for gold, although this would have been attended with the consequences to public credit pointed out in the answer to the preceding question.

Whether or not there was, in the end of the year 1796 and beginning of the year 1797, a considerable diminution of the outstanding notes of the bank of England?—There was.

Was not much of the public and commercial distress which arose at that period, attributable to that diminution?

Mr. *Whitmore.*—I have no doubt about it.

Mr. *Pearse.*—Undoubtedly.

Whether, in your opinion, it was not a much wiser measure, relative to the mercantile interests of the country, that the restriction of cash payments should have taken place in 1797, than that the Bank should have persevered in diminishing the issue of bank notes in discount?

Mr. *Whitmore.*—Certainly.

Whether, before the restriction on the Bank, the demand for gold did not much more arise from the want of confidence in the security of paper currency, than from the state of the foreign exchanges?

Mr. *Whitmore.*—To the best of my recollection it was not owing to the state of the foreign exchanges, but wholly to the want of that confidence.

In your opinion, has the state of the exchanges at any time very materially operated, before the restriction, to increase the demand on the Bank for gold?—In my opinion it has not; the demand for gold for exportation depended upon the price of the article in foreign countries.

Mr. *Pearse.*—Within the course of my experience in the Bank, the Hamburgh exchange has never been so much below par, previous to the Restriction Bill, as to render it sufficiently an object of advantage to individuals to make any material demand for gold upon the Bank. The state of the exchanges appears generally to have been considerably above par, sometimes as much as 11¼ per cent. above par; and the lowest rate of it at no time during that period to have exceeded $3\frac{1}{2}$ per cent. below par, and then but for a few months.

Then is the Committee to understand that it is the opinion of the governor and the deputy governor of the Bank, that although the rate of exchange may be much against this country, that the quantity of specie in the Bank would not be materially affected by it, supposing the Bank to be paying in cash?

Mr. *Whitmore.*—I would wish my answer to this question to be considered as connected with my former answer, that if the Hamburgh exchange affords an advantage to the dealers in gold to send out the specie, that they undoubtedly would do it; but that is a calculation upon the price of the article abroad.

Supposing the paper currency of this country to be equal to what it was in the year 1796, and the same strong disposition to prevail to convert paper currency into specie, whether the necessity of a restriction on the payment of specie would not arise the same as in the year 1797?—The same cause would, I presume, produce the same effect.

(To Mr. Pearse.)—In the instance which you have stated, of the exchange with Hamburgh having been $11\frac{1}{4}$ per cent. in favour of this country before 1797, from what par was that exchange calculated?—From the par which I understand to be in common acceptation, 33. 8.: I am not myself practically acquainted with those exchanges.

Do you consider a drain of guineas in consequence of a profit to be made by exporting them abroad, and a run for guineas in order to supply the internal circulation of the country during the moment of alarm, to be cases so exactly alike that the Bank ought to pursue the same line of conduct precisely in both cases, in order to protect itself against the demand for guineas?

Mr. *Whitmore.*—I think the Bank would make a distinction between the two cases.

What distinction?—The distinction would be, that the demand for guineas for home purposes would not be of such a serious nature as the demand for exportation.

Was it not the demand for guineas for home purposes that immediately produced those apprehensions which were stated by the Court of Directors to government, upon occasion of which his Majesty was advised to issue the Order in Council of the 26th of February 1797?—Not having been in the Bank direction, as I before stated, at that period, I was not a party to any of the debates that then took place in the Court of Directors.

Mr. *Pearse.*—It undoubtedly was: with reference to the former question, I would beg to observe that the line of conduct to be pursued by the Bank in both cases, either of a drain for guineas for the foreign market or for internal demands, must of necessity be the same, although in the latter case, as has been already observed, the line of conduct which under similar circumstances I should find it necessary to recommend, would no doubt increase those difficulties which in the first place rendered the measure indispensable.

Is the Committee to understand, that in case of distress in the kingdom, arising from failures of country banks, and the consequent alarm and hoarding of coin, by which the amount of the circulating medium would be rendered greatly below what the occasions of the public might require, the Bank in case of a demand for diminishing their issue, as if a demand to the same extent had been occasioned by a very unfavourable rate of exchange?—The cause of the alarm being satisfactorily ascertained to arise from a diminution of the circulating medium, it would be obviously advisable that the Bank should endeavour to supply the deficiency thereby occasioned; yet the extent and continuance of the demand for guineas must always be a leading consideration with the Bank on such an occasion.

You have stated, that in the case of a drain of cash arising from a foreign demand for gold, accompanied with an unfavourable exchange, at a time when the Bank should be paying in cash, you should advise some limitation of Bank paper; do you think that in the event of an equal demand for gold from abroad, accompanied with an equally unfavourable exchange, it would be expedient in like manner to limit the Bank paper, although there should result from this state of the exchange no drain upon the Bank for guineas in consequence of the existence of the law authorizing a suspension of the Bank payments?

Mr. *Whitmore.*—In my opinion, the Bank would act precisely the same in both cases; with a desire to keep the gold in the country, they would refuse discounts to such parties, as in their opinion would export the bullion equally, whether the restriction was upon them or not.

Mr. *Pearse.*—Being of opinion that the amount of the Bank notes in circulation, controlled as it is by the occasions of the public for internal purposes, cannot influence the rate of the Hamburgh exchange, and the consequent export of bullion (which opinion is borne out by a statement I have already given in) I should not recommend a diminution of such amount.

Do you mean to say, that supposing the Restriction Bill to exist, you should advise some diminution of Bank paper in the event of the long continuance of a very unfavourable exchange with all foreign countries?—Certainly not; because I have stated, in a former answer, that from the manner in which the issue of Bank notes is controlled, the public will never call for more than is absolutely necessary for their wants.

Did you not mean, in your former answer, to intimate, that supposing the Bank to pay in cash, and a great drain for cash to arise at a time of a very unfavourable exchange, you should incline to advise some diminution of Bank paper, and consequently some restriction of the supply of discounts below the demand that should be made for them?—I must recommend it from necessity, although in my opinion it would not improve the exchange; I think it one of the advantages of the Restriction Bill, that we are not driven to that necessity.

Are not you therefore of opinion that the measure of restriction of the cash payments of the Bank is proper, not merely as a temporary measure to obviate temporary difficulties, but as a measure of permanent policy?—Although under existing circumstances the Restriction Bill is found necessary, and experience has proved, as well as I can judge, that no injury results or is likely to result from it, yet in a different situation of affairs, the necessity for its operation might no longer exist.

What inconveniences would you see, in your view of the operation of the restrictive system, to its being a permanent measure, supposing the Bank to regulate its issues in the manner you have described?—From our experience, and in my view of it, I can see no positive inconvenience likely to result from its being a permanent measure, nor do I see any advantage that will arise from its being continued when our political and commercial relations will admit of its removal; and I am further of opinion, that in addition to the satisfaction, which, as a Bank Director, I should derive from the removal of the restriction (when the necessity for it ceases) the feelings of the public would not be satisfied, unless it had in expectation such a change.

Is the restriction on the Bank a cause of the unsteadiness in the course of exchange?—Undoubtedly not.

Mr. *Whitmore.*—I concur in that answer.

If a large quantity of metallic circulating medium existed in a country capable of exportation, either in the shape of coin or of bullion, must not that prevent the course of exchange from being much more unfavourable to the country possessing it, than would cover the expences of exportation?

Mr. *Pearse.*—Undoubtedly; but the quantity of bullion in the country for such objects can only depend upon commercial and political transactions, totally unconnected, as far as I can judge, with any effect of the issue of Bank notes.

Can any par currency have the same effect?—I think not.

Since the suspension of the Bank payments in cash down to the present time has there been any material extension of its commercial discounts?

Mr. *Whitmore*—I find the commercial discounts have varied nearly in proportion to the Bank advances upon other securities; the amount of the Bank notes before parliament is a certain criterion of the aggregate of their advances on different securities to government; and on all securities the discounts have certainly encreased since 1797, owing, as I conceive, to the encreased trade of the country.

Have they encreased in a very large proportion?—Within the three last years they have encreased considerably.

March 19, 1810.

William Huskisson, esq. in the Chair.

Ebenezer Gilchrist, esq. called in, and examined.

I believe you are the principal manager of the Bank in Scotland, under the denomination of the British Linen Company?—Yes, I am.

Is that a chartered Bank?—Yes, it is.

What may be the capital of that Bank?—200,000*l.*

How many more chartered Banks are there in Scotland?—Two; the Bank of Scotland, and the Royal Bank.

Do you know the capital of those two Banks?—I believe the capital is 1,500,000*l.* each.

How many branches may each of the chartered Banks have?—I believe the Bank of Scotland has 20 branches. The Royal Bank has only one which is at Glasgow. The British Linen Company has 13 branches.

How many Banks, issuing notes, are there in Scotland, which are not chartered?—I should think there are about one or two and twenty.

How many of those are in Edinburgh?—There are five Banks in Edinburgh; two in addition to the three chartered Banks.

How many in Glasgow?—Only three, besides a branch of the Royal Bank.

Can you say generally, whether the notes payable on demand, issued by all the Banks, amount, in your opinion, at this time to a larger sum than at the time when the Bank of England was restricted from paying specie?—I think the paper circulation of Scotland has increased since that period, in consequence of the increased trade of the country and the extensive agricultural improvements in Scotland.

Has the number of Banks increased since that period?—I think it has, but not very considerably.

In what way are the capitals of the chartered Banks generally employed?—I believe they are employed in the discounting of such bills as may be offered to them for that purpose, and as are considered to be safe.

Do you mean bills on London at a certain date, and at what date?—I mean bills on Edinburgh or Glasgow, and all parts of Scotland as well as London.

Is any part of the capital employed on mortgage or in loans of any other kind?—It is not the practice of the banks of Scotland to lend money on mortgage.

Is not a considerable part of the capitals of the banks of Scotland, in your opinion, laid out in the purchase of Exchequer bills or other government securities, which may be converted into Bank of England notes on the shortest notice?—Certainly, part of the funds of the Bank is so employed.

Do not you think that to be a necessary measure for the security of the creditors of the banks, and in order that the banks may be able to meet the demands upon them?—I consider it to be necessary. It is the object of all bankers in Scotland to keep large funds in London at all times, exclusive of the stock of specie and Bank of England notes kept at home for immediate use.

Can you form any opinion of the amount of notes payable to bearer on demand which is in circulation in Scotland?—My own conjecture is that it may be from two millions to two and a-half millions; but it is not a subject upon which I can speak with accuracy.

Can you say what proportion the circulation of specie in Scotland bears to that quantity of notes?—A very small proportion indeed.

Is it not your opinion that the banks of Scotland have very greatly contributed to the increase of the trade and manufactures of Scotland?—Yes, I am decidedly of that opinion; and here I may observe, that there is no instance of any bank in Scotland having failed ultimately to pay all demands upon it. The Ayr bank, the history of which is well known, ultimately paid every thing.

Do you apprehend that that increase could have taken place by any other means than the establishment of banks in Scotland?—Without some such facility existing as the banks have afforded, I do not think it could.

What are the facilities of doing business which the banks in Scotland give to the merchants and manufacturers there?—The bankers gave their notes in discount for bills at 2 and 3 months date payable in Scotland and in London. The banks likewise open with the merchants and manufacturers cash accounts.

In what way are those accounts kept by the banks in Scotland?—A credit is always established with the banks by a bond with one or two sureties, and the merchant is allowed to draw to the amount of that bond without making any previous deposit of money. If a person has credit for 1,000*l.* and draws out the whole amount, he pays interest from that period at the rate of 5 per cent. If he reduces the amount by paying in the next day 500*l.* the interest of 500*l.* ceases from that time.

Do you charge any commission on accounts of this sort?—No.

Only the 5 per cent. for the time?—Only the 5 per cent. for the time.

What interest do you allow for money deposited with you?—4 per cent. if it lies 6 months.

Do you think the quantity of Bank notes circulated by the bankers in Scotland, has tended to prevent the circulation of coin or Bank of England notes in Scotland?—Ever since I knew any thing of the circulation of Scotland, it has consisted principally of the notes of bankers in Scotland.

Is the system of cash accounts as now practised in Scotland the same as was practised 50 years ago?—Yes, I do believe it is exactly the same.

What is the object of the Banks in Scotland in keeping large sums of money in London?—The chief reason is that they may procure Bank of England notes to answer any demands upon them, and for the purpose of settling the balances with each other, in exchanging notes, which is always done by bills upon London.

Do not the Scotch bankers discount bills sent to them by London bankers, and give orders for the payment in London?—I never heard of such a practice.

What is the par date in drawing on London?—From Edinburgh we draw at 40 days.

Do you not give a premium for bills on London on demand?—We grant a premium of $\frac{1}{4}$ per cent. for bills upon London on demand.

Has there been any fluctuation in the exchange between Edinburgh and London, since the restriction of the cash payments of the Bank of England?—None at all.

In what proportion do you conceive the paper circulation of Scotland has increased since the Bank restriction?—I really cannot answer that question without more consideration.

Is it double?—I should think not double, but perhaps one third more than before the restriction.

Are you of opinion that the paper circulation of Scotland is confined within the limits which the occasions of the public require?—I believe it is.

What is the criterion by which you judge of the occasions of the public?—We are regulated in our issues by the general state of credit at the time. If the Bank of England were to restrict their issues, of course the Scotch banks would find it necessary to diminish theirs.

In what manner do the issues of the Bank of England operate upon the issues of the banks of Scotland?—They operate upon the issues of the banks of Scotland in this manner: If the banks of Scotland issue more than they ought to do in proportion to the issues of the bank of England, they would be called upon to draw bills upon London at a lower rate of exchange.

Thomas Thompson, Esq. a Member of the Committee, examined.

Do you believe the country banks in England have greatly increased in number since the year 1797?—They have more than doubled in number.

Do you believe that the amount of country Bank notes now in circulation is double the amount in circulation in 1797, or more?—In the years 1796 and 1797, the circulation of the paper of country bankers was very greatly reduced, and I think that the circulation now is probably more than double the sum in circulation at the time when the Bank of England was restricted from paying in specie.

Do you conceive it to be double what it was before the alarm at the end of 1796 and the beginning of 1797 had operated to reduce the amount then in circulation?—By no means; I think the quantity of paper in circulation at this time, does not exceed by more than one fourth, the circulation before the period of alarm referred to. I wish however my answer to be understood as confined to the paper in circulation in the North of England.

If from any circumstance before the restriction on the Bank of England, a drain for guineas took place, were not the country banks liable to be affected in the same manner?—Certainly; any extraordinary demand for specie would, in its effects, be felt by the country bankers.

Would not such an extraordinary demand in its effects tend to diminish the amount of country bank paper in circulation?—It would, as all prudent bankers would regulate their issues of paper by the demand upon them for specie.

By what criterion do they now regulate their issues of paper?—By the plenty or scarcity of Bank of England notes.

Then their issues bear a proportion to the issues of the Bank?—In my opinion they do.

Does it consist with your knowledge that country banks make advances upon real security?—It is not the practice, as far as I know; and I conceive it would be extremely imprudent in any country banker to do so.

Is it a common practice for country bankers to advance their notes upon goods, or upon bonds, or other securities not payable at short dates?—I do not think it is the practice amongst country bankers who understand their business.

Do not country bankers find it necessary to keep a deposit of Bank of England notes in proportion to the issues of their own paper, and to the probable demands which may be made upon them for the payment of that paper?—Every country banker who wishes to preserve his credit, will keep by him such a sum in Bank of England notes as will answer all the demands which are likely to be made upon him until he can receive fresh supplies from London; and in London he will keep such funds as may upon the shortest notice be convertible into Bank of England notes, to enable him to pay all the demands which can possibly be made upon him.

Do you know whether the amount of Bank of England notes circulated in the country, has increased or diminished since the year 1797?—I do not think there has been much alteration in the quantity of Bank of England notes in circulation in the north of England since that period, but I believe that the quantity of Bank of England notes in the hands of the country bankers in general is considerably increased, as Bank of England notes are now kept by country bankers instead of specie, and I believe that a great part of the specie which was in the hands of the country bankers has been sent to the Bank of England.

Do you conceive that the quantity of Bank of England notes kept by country bankers in the course of the last three, four, or five years, has been increased?—Since the restriction on the payments of specie at the Bank of England, the gold which was usually kept by the country bankers for the payment of their notes has been changed into Bank of England notes, and the quantity of Bank of England notes kept by the country bankers I conceive may fluctuate in proportion to the general credit of country bankers notes.

Have there not been fewer interruptions to the credit of country bank paper since the suspension of the payments at the Bank, than there were before?—I think there have.

Has not then the credit of country banks upon the whole rather increased?—In the north of England it has; I cannot speak particularly to every part of England.

Do you not then think that country bankers, in consequence of an increasing confidence in their solidity, may have become somewhat disposed to keep a less stock of Bank of England notes?—I think they may.

Has it not been lately more and more the practice of country bankers to issue optional notes, that is, notes payable either at their banks in the country or in London, and even to issue some optional notes of one and two pounds; and do not those notes circulate much in the same manner as Bank of England notes?—That may be true in some degree in the south of England, but north of the Humber no optional notes are issued.

Do you not think that the increase of optional notes must have tended to the diminution of the number of the Bank of England notes circulating in the country?—I think not in any great degree, as Bank of England notes I believe have not a large circulation in the country 50 or 60 miles from London.

May not the increase in the number of country banks which has taken place in the last few years, have contributed to augment the quantity of country bank paper in places in which Bank of England notes had antecedently circulated?—Yes, it may.

May it not have in some degree diminished the quantity of Bank of England notes circulating in the country?—I can only give the same answer to this as to the last question.

During the distress in the country, which happened in 1793 and 1797, do you recollect to have heard of any material fall in the price of articles of trade in consequence of the sudden scarcity of the circulating medium?—I do not, although that probably was the case, as the prices of all commodities will be affected by the scarcity of the circulating medium.

Did you observe that the prices fell in a greater degree where there was a greater degree of local distress, occasioned by the failure of country bankers?—Where the distress was the greatest, the effect of that distress would be the most obvious; but in consequence of the assistance which was given to the country by the loan of exchequer bills, the general credit was in a short time restored, and the inconveniences were far less than might have been expected.

Was there not a great stagnation in trade then?—Yes, certainly, for a short time.

You have stated, that, before the restriction on the Bank of England, had any extraordinary drain for guineas taken place at the Bank of England, it would in its effects have been felt by the country bankers; are you aware that when a drain for guineas was occasioned by an unfavourable course of exchange, the inducement to withdraw gold from the Bank was the profit which might arise from exporting or melting down the guineas?—The inducement to withdraw guineas from the Bank of England in consequence of an unfavourable course of exchange, must undoubtedly be the profit which would arise to those persons who so acted.

Might not that also be an inducement to the holders of paper of the country banks to withdraw gold from those banks?—The cause which induced persons to withdraw gold from the Bank of England, might induce others to withdraw gold from the country banks.

Inasmuch as there can be no such inducement at present for bringing in the paper of country banks for payment, what interest has any holder of such country bank paper to convert it into bank notes, supposing no alarm to be felt as to the credit and solidity of the country bankers by whom such paper was issued?—If the holder of a country bank note cannot obtain gold for it, he has no inducement to carry in such note to be exchanged for a Bank of England note, if he have perfect confidence in the country bank, and if he be under no necessity of making payments in a part of the kingdom to which the circulation of country bank paper does not extend.

Then the only corrective which now exists against an excessive issue of notes by any particular country bank is, that such notes would be returned to him, either for Bank of England notes or for a bill of exchange upon London?—Certainly.

Then are not country bankers less liable to be called upon to change their notes for those of the Bank of England, than they were to be called upon to pay them in cash, before the restriction on the Bank of England?—Undoubtedly; especially as the notes of several country bankers, within my knowledge, are in as great credit in the country as Bank of England notes.

Then it is not necessary for a country banker to be provided with the same amount in bank notes, in proportion to his issues, as he was, before the restriction, obliged to keep in gold?—I think he is not.

March 20, 1810.

William Huskisson, Esq. in the Chair.

Robert Binley, Esq. called in, and examined.

Have you brought down the information required by the order of the Committee, with respect to deficiency in the weight of gold coin of this country in circulation?—I conceive that the gold coin now in circulation is not more deficient in weight than it was at the last examination, as appears by the paper delivered in by Mr. Morrison; it may possibly be even of better weight, owing to the circumstance of the refiners conceiving themselves at liberty to melt down such guineas as were reduced in weight below five pennyweights eight grains, which must improve the average weight of those remaining in circulation.

What information can you give the Committee respecting the relative value of gold and silver in the coins of foreign countries, as ascertained by any assays that may have been made for this purpose?—I am not aware of any variation in the relative quantity and fineness of gold and silver in the coins of foreign countries, since the tables published by the late earl of Liverpool, in his letter to the King upon coin; which tables are considered as accurate, except in the instance of the new regulations in the Paris mint in 1803 or 1804, by which the proportion of gold to silver was established at $15\frac{1}{2}$ to one, they having before been in the proportion of $15\frac{2}{10}$ to one.

Have you by actual assay ascertained that the proportions established by the regulations of the mints of foreign countries are actually preserved in the coins of such countries?—They are not accurately preserved, on account of what is called the remedy or allowance for fallibility of workmanship taken in foreign mints. By an actual assay of the new gold coin of France, I have found, that instead of being as $15\frac{1}{2}$, the proportion was $15\frac{42}{100}$ to one; by the mint regulation of Amsterdam, gold is to silver as $14\frac{7}{10}$ to one, by the assay $14\frac{6}{10}$ to one. In Spain, the mint regulations are in the proportion of 16 to one; I have found by actual assay the state of doubloons of 1772 is as $15\frac{86}{100}$

to one; and according to doubloons of 1801, assays are as $16\frac{41}{100}$ to one.

Will there not be frequently a little alteration, in taking coins that are minted at different times at the same mint under the same regulations?—Yes, no doubt of it; but in no country is the standard preserved with such accuracy as in England.

Have the variations in other countries been increasing variations, during late years?—I do not know what they have, it has always been the case.

What is now the proportionate rate of gold and silver in Europe?—The proportionate rate of silver to gold in this country is 15,2096 to one.

What information can you give to the Committee, concerning the par of exchange between Great Britain and foreign countries?—I do not feel myself competent to give a decided answer on that subject.

In the account of gold and silver coined at the Mint since 1797, &c. ordered by the House of Commons the 20th of Feb. 1810, it is stated from the Mint, that 3 or 400,000*l.* of gold has been coined on an average in the last 9 or 10 years; has any part of that coinage consisted of guineas?—No, it consisted of half guineas and seven-shilling pieces.

Did the two to three millions coined in each of the years 1797 and 1798, consist of guineas?—Principally of guineas.

Is the new Mint ready for the purpose of coinage?—Very nearly; it might be so in a short time, if necessary.

Within what time could the new Mint be made ready for coining?—Within two months, if necessary.

Can you state the fineness and weight of the present Russian coins?—The Russian imperial of 1772 weighs eight pennyweights and eleven grains, being a gold coin; worse than standard a quarter of a carat grain, which equals fifteen troy grains. The half imperial 1780 weighs four pennyweights $2\frac{1}{2}$ grains, the same fineness as the last. The Russian ducat of the year 1796 weighs two pennyweights six grains, and is better than standard one carat $2\frac{1}{2}$ grains. The half ducat 1785 one pennyweight $14\frac{1}{2}$ grains, worse half a grain. The gold ruble of 1779, $18\frac{3}{4}$ grains, worse one quarter of a carat grain; the half ruble of 1777 weighs 9 grains, and is standard of this country. The silver ruble of 1802, 13 pennyweights one grain and a half, and is worse than the standard 13 pennyweights in the pound.

The half ruble of 1804 weighs 6 pennyweights 13 grains and a half, and is worse 14 pennyweights.

You have no ruble of earlier years?—No, I have not.

Have you made any assays upon the coins of the United States of America?—Yes, I have tried several of them; the American proportions are 15 to one; and according to their actual coins $15\frac{1}{400}$. The half eagle weighs 5 pennyweights and 15 grains.

Dr. KELLY called in, and examined.

Have you turned your attention to the subject of the currencies of the different states of Europe, and to the course of exchange between Great Britain and foreign countries?—I have for many years.

What, according to the Mint regulations of foreign countries, is the proportion of fine gold to that of silver in their respective coins; and what would be the par of exchange of each of those countries with England, calculating upon a comparison of our coins, according to the Mint regulations of this country with the coins of those countries?—The table which I now present to the Committee, I believe, will shew those proportions, as also the variation between the proportion established by the Mint regulations of foreign countries, and the actual proportion as ascertained by assays recently made at his Majesty's Mint; it will also shew what I conceive to be the intrinsic par of exchange between the countries therein enumerated, and England, gold against gold and silver against silver, both as that par stands according to the Mint regulations and according to the assays above mentioned.—[Same delivered in.]

March 21, 1810.

WILLIAM HUSKISSON, Esq. in the Chair.

JOHN PEARSE, Esq. Deputy Governor of the Bank of England, called in, and examined.

What is the criterion by which the Bank regulates the amount of its advances to Government so as to guard against the possibility of any excess in the issue of its paper?—That Government will not find it necessary to apply to the Bank for accommodation by advance on its securities, inasmuch as in consequence of any excess of Bank paper in circulation they would be able to sell such securities in the open market.

Then the criterion of an excess is when that description of Government securities upon which the Bank is accustomed to make its advances are not tendered to the Bank for such advances, in consequence of Government being able to dispose of them to better advantage in the open market?—Certainly.

Suppose the wants of Government very large, and exchequer bills in the market at a discount, would the Bank advance the sum required by Government?—It would depend upon the advances already made, the whole amount of exchequer bills in circulation, and from such considerations as might arise on such an occasion.

Then exchequer bills being at a discount, is no criterion in the Bank advances to Government?—It is no fixed criterion.

Then the security against the possibility of any excess in circulation arising either from discounts or from advances to Government is the same, namely, that no application can be made for issues beyond what the occasions of the public require; and that as soon as those occasions are satisfied, the applications to the Bank will of course cease, and be made elsewhere?—Certainly.

In your opinion does the current rate of interest in any country depend permanently upon the quantity of its circulating medium?—I think it depends upon the quantity of capital existing in a country, and the opportunities which are afforded to that capital of being profitably employed.

If then in any other country there was permanently a great excess in the circulating medium, the state of capital of such country, and the opportunities of employing it remaining the same, would such permanent excess tend to lower the rate of interest?—Nothing but an increase of capital, the opportunities of employing it remaining the same, can tend to lower the rate of interest in any country; and it is only in whatever degree an increase of circulating medium permanently increases the capital of a country, that it can have any tendency permanently to lower the rate of interest.

Can any excess in the circulation of this country arise from the present system of issuing paper by the country banks, having reference in your answer to the restrictions upon the Bank of England?—I am not aware that the restriction bill can have had any material effect upon the amount of the issues of country banks, as the sum total of Bank of England paper has increased in so small a proportion, compared to that, which I conceive to be the increase of country Bank paper; an increase on the part of the Bank of England, seemingly not more than is to be accounted for by what must be required by the augmentation of revenue, and the great extension of commerce of the metropolis requiring such addition to the circulating medium.

Does not the increase of discounts which has taken place by the Bank, and the consequent experience of the country banker, that he can command Bank of England notes by sending up paper for discount, encourage the country banker to emit more than he would otherwise think it prudent to do?—In the practice of the Bank upon the subject of discounts, it has been actively alive to discourage the discounting of such paper as seems to have an immediate connexion between the country bankers and their agents in London; when such accounts have gone to an unreasonable height under such circumstances they have refused discounting their paper, although there were no doubts of their solidity.

Is it not found, notwithstanding this precaution on the part of the Bank, that a considerable portion of the paper they discount, is paper drawn from the country by country bankers and others upon bankers in London?—Though the amount is considerable, it bears no great proportion to the whole.

Has not the amount of bills drawn from the country by country bankers and others, and offered at the Bank for discount, much increased since the period of the restriction?—The numbers that have been offered for discount have certainly greatly increased; and with the intention on the part of the Bank to limit them as much as their influence can effect, it has not been able, with reference to the accommodations asked by persons bringing such notes, to prevent their being in amount beyond what they were previous to the restriction bill, but not perhaps greater in amount comparatively with the sum total of our discounts, comparing what those discounts were at the time of the restriction bill with what they are now: I speak only from memory.

Do you not conceive that the quantity of country Bank paper circulating in the kingdom bears nearly the same proportion to the occasions of those parts in which it circulates, as the Bank of England paper bears to the occasions of those districts in which Bank of England paper exclusively circulates?—If the country bankers regulated and limited their issues upon the same principle as uniformly governs the Bank of England, I do not see how any excess can arise in their circulating paper; but if any of their paper is issued otherwise than as representing securities arising out of real transactions and payable at fixed and not distinct periods, I conceive such an excess may obtain, and in whatever degree such an excess may exist, the proportion between the country bank paper and the Bank of England paper to the occasions of their respective districts would differ.

March 23, 1810.

WILLIAM HUSKISSON, Esq. in the Chair.

JOHN WHITMORE, Esq. the Governor, and JOHN PEARSE, Esq. the Deputy Governor of the Bank of England, called in together; and examined.

If it were not for this feeling (vide p. 4xii) or expectation on the part of the public, should you be of opinion, that it would be expedient to continue the restriction as a permanent measure, inasmuch as it would not only relieve the Bank from the expence of purchasing and keeping a large supply of bullion, but also effectually protect both them and the public from a repetition of those inconveniences which first led to the restriction and that these advantages would be produced without creating any other inconvenience by which they might be counterbalanced?

Mr. *Pearse.*—I have already stated in answer to a former question, that I am not aware of any positive inconvenience resulting from the present operation of the restriction bill, or likely to result from its being rendered permanent, except as far as regards an expectation on the part of the public that it will be removed; but this circumstance is, in my opinion, essential, and cannot be kept out of view in any consideration of the subject. Whether it would be advisable to secure the public against a liability to the recurrence of the inconveniences that led to the restriction bill, by sacrificing their feelings on this point, and absolutely removing all expectation of its being only a temporary measure, appears to me to be entirely a political question, on which I do not conceive myself qualified to give an opinion, but I may venture to observe, that public credit and public opinion always go hand in hand, and that the one is invariably influenced by the other. As far as concerns the keeping of bullion, I am of opinion that the Bank does not entertain a wish to be relieved from having a large supply, having in this, and all other instances, always governed itself by an attention to the public interest as well as its own.

Has the present unfavourable state of exchange any influence upon the amount of your issues?

Mr. *Whitmore.*—It has no influence upon the amount of our issues, having acted precisely in the same way as we did before.

Does there, in your opinion, exist any excess in the circulation of the kingdom, arising from the amount of issues of the country banks?

Mr. *Pearse.*—I have no practical knowledge of the amount of country Bank paper, nor any means of judging of what may be necessary as a circulating medium. There seems to be a great increase within a short time, especially within the last two or three years, greater than I can imagine any alteration of circumstances within that time can legitimately call for.

Does not all country paper, so long as it continues out, circulate at par; or in other words, is it not interchangeable with paper of the Bank of England?—It must circulate at par, or it would return upon the parties that issue it.

Before the restriction, were not country bankers liable to an extraordinary demand for gold whenever there was any continued run upon the Bank of England?—Certainly.

Mr. *Whitmore.*—I agree perfectly with what Mr. Pearse says.

Has the holder of the paper of any country Bank any interest to convert it into Bank notes, if he feels no alarm as to the credit and solidity of the country Bank?

Mr. *Pearse.*—I should think not.

Before the restriction, was there not such an interest to exchange country Bank paper for gold whenever the market price was materially above the Mint price for gold; and did not such an exchange, whenever it took place, lead to a diminution of the circulation?—Although the exchange was often unfavourable to this country previous to the restriction, it was never in my experience sufficiently so to produce such an effect; but as it is now so materially unfavourable, no doubt every exertion would be used to get posssesion of gold.

Are you aware that it is the custom for bill brokers to get London bills, and send them down to the country banks for discount, for which such country banks remit bills at a date upon London, to be carried to the Bank for discount?

Mr. *Whitmore.*—We know that such a practice exists, but do not know through what channel the bills are sent into the country for discount; and such practice is as much discouraged by the Bank as their information will enable them.

Do not you know that considerable sums in gold have been sent by the country bankers to the Bank of England, since the restriction, through the medium of their bankers in town, for the purpose of being exchanged for Bank of England notes?—Since the restriction, the Bank has received from the London bankers several sums in gold under the authority of the act of parliament, upon the condition of returning to the parties a certain part when demanded of us, which demand to the full extent in several instances, has not been made of us; but none has come in of late years.

So long as the market price of gold continues to be above 4*l.* per ounce, and the course of exchange with foreign countries in a corresponding degree unfavourable to England, will not the stock of gold in the Bank be continually decreasing by the issues which must unavoidably be made for certain small payments, or for the public service, so that in the course of time, were the present state of things to continue and the Bank not to purchase at a great loss, the whole would be exhausted?—The purchases made by the Bank have been at a very great loss, and they would think it their duty to sacrifice still more to the public service, to keep up the quantity of specie for the purposes for which it is used.

Mr. *Pearse.*—It will certainly be decreasing, although the diminution from those causes may be considerable; I cannot imagine the possibility of their continuance to such an extent.

Is there not reason to apprehend that those small payments will become necessarily more numerous in proportion as the exchange is more against us, the issue for instance being larger when gold is at 4*l.* 12*s.* than when it was at 4*l.* 1*s.* per ounce?

Mr. *Whitmore.*—The issue of gold for the small payments alluded to has not increased.

Do you apprehend that any considerable difficulty or any evil would arise from the suppressing the circulation of all one pound notes at the end of eighteen months, by the passing of an act for that purpose, and in the same manner suppressing the circulation of all two pound notes at the end of two years?

Mr. *Pearse.*—Those objections that are entertained (under the present state of the exchange) to taking off the restriction bill, are against such a measure.

If the capital of the Bank were to be doubled, would the governor think the directors justified in extending the issues of their notes in proportion?

Mr. *Whitmore.*—I think that no increased demand would be made upon us in consequence of the increase of our capital.

Can the governor of the Bank of England form any estimate of the average amount of the daily payments made by all the London bankers put together?—I should like much to answer that in the affirmative, but I cannot find out any source of information to satisfy my mind.

Which are you of opinion that it exceeds or falls short of five millions?—I should conceive considerably above five millions.

Are those payments effected principally in Bank of England paper?—Wholly in Bank of England notes, with the exception of fractional sums.

Taking the daily average amount so low as five millions, does it not follow that in the course of the year the notes of the Bank of England in circulation are employed in making payments of above 1,500,000,000*l.* sterling, on the counters of the London bankers alone?—According to the opinion that I entertain it will amount to that.

Taking into consideration the quantity of Bank of England paper necessary for country bankers, and the various other uses and applications for which it is demanded, does it not follow that there is only a certain limited proportion of the total amount of Bank of England paper, in circulation, available for effecting the payment of this 1,500 million?—It is only part of the circulation that is available for such purpose.

If the amount of Bank of England notes were in any way to be increased one half, that is from twenty to thirty millions, can it be supposed that the purposes for which it is required would be increased in the same proportion?—The surplus quantity, not being wanted, would immediately revert to us.

So long as the restriction continues, in what mode would the surplus be returned?—By a diminished application for discounts and advances upon government securities, which would in effect reduce the number of Bank notes in circulation.

Can you form any opinion as to the probable average of the gold in circulation, exclusive of the amount in the coffers of the Bank, for three years previous to the restriction?—I can form no opinion.

Which are you most disposed to believe it exceeded or fell short of twenty millions?—In my opinion below twenty millions.

Has the governor of the Bank any opinion as to what has become of the greater part of that proportion of our gold coin which has disappeared from circulation?—My opinion is, that the high price abroad has taken it out of this country.

You have stated, in a former part of your evidence, that before the restriction of 1797 the Bank had particularly objected to advances they were under, on account of treasury acceptances; had that objection reference to the amount of their advances to government being too large, owing to such acceptances, or to any other circumstance of inconvenience?—I was not a party to the discussions of the Bank at that period, but if I had been there my objection would have been to the nature of the security, and not to the amount advanced upon it.

In what respect was this security objectionable?—A doubt in my mind, whether the Bank, under its charter, was competent to make advances upon that description of security.

March 26, 1810.

William Huskisson, esq. in the Chair.

Thomas Richardson, esq. called in, and examined.

I believe you are a bill broker?—Yes.

You are also an agent for country banks?—Yes.

Have country banks increased in number since the restriction on the Bank of England?—Very considerably.

Can you tell in what proportion?—No, I never made any calculation.

Do you know how many country banks there are?—No, I do not, it might be easily ascertained from the printed lists of country bankers.

Are you aware that the notes of the country bankers in circulation are much increased?—I have no doubt of it; very considerably.

Are those notes which are made payable in London increased?—Yes, I should think very much.

Do you mean the notes of country banks generally are increased?—Yes, both descriptions; those made payable in London, and those which are not.

What means have you of knowing they are increased?—General observation.

What is the nature of the agency for country banks?—It is two-fold; in the first place to procure money for country bankers on bills when they have occasion to borrow on discount, which is not often the case; and in the next place, to lend the money for the country bankers on bills on discount. The sums of money which I lend for country bankers on discount are fifty times more than the sums borrowed for country bankers.

Do you send London bills into the country for discount?—Yes.

Do you receive bills from the country upon London in return, at a date, to be discounted?—Yes, to a very considerable amount, from particular parts of the country.

Are not both sets of bills by this means under discount?—No, the bills received from one part of the country are sent down to another part for discount.

And they are not discounted in London?—No. In some parts of the country there is but little circulation of bills drawn upon London, as in Norfolk, Suffolk, Essex, Sussex, &c. but there is there a considerable circulation of country bank notes, principally optional notes. In Lancashire there is little or no circulation of country bank notes; but there is a great circulation of bills drawn upon London at two or three months date. I receive bills to a considerable amount from Lancashire in particular, and remit them to Norfolk, Suffolk, &c. where the bankers have large lodgements, and much surplus money to advance on bills for discount.

Do you not send bills drawn in London by one merchant upon another, to be discounted in the country?—Yes, to a considerable amount.

Are not bills of that description called notes, in London?—Generally so.

How do you get your remittances for those bills that you so send to be discounted?—In bills that have three or four days to run, or by orders for cash on bankers in London.

What part of the country are they sent into?—Norfolk, Suffolk, &c. and small sums into some parts of Yorkshire.

Are not the returns sometimes made in bills at two months, or other dates?—It is very seldom the case, unless it be in exchange for a bill of a much longer date.

Do not transactions of this nature take place to the amount of several hundred thousand pounds a year?—I have never had any transaction of the sort last described. In the modes of discounting previously mentioned, many millions go through my hands in a year.

How many millions pass through your hands in the course of the year?—I should certainly speak within bounds if I say seven or eight millions.

Do the country bankers in general keep agents in London, exclusive of the bankers on whom they draw?—No, not of the description of which I am.

Are not the agents principally employed for the purpose of lending the money of the country bankers on discount on bills accepted in London?—We are employed both by those who have money to lend, and those who want to borrow money.

You have stated, that seven millions of money pass through your hands annually; what proportion of that may you have lent for country bankers on discount?—A million and a half. I speak of the sum outstanding upon discount at one time, on account of country bankers, which multiplied about four or five times in the year, owing to the bills being from two to three months, will amount to the aggregate sum which I have mentioned.

Then it follows that the seven millions which have passed through your hands, have been lent for country bankers on discount?—Yes, I have no transactions whatever but which relate to discount.

Do you know, in point of fact, whether such transactions as you have now described, were in practice previous to the suspension of the cash payments of the Bank?—Yes, they were.

Do you know whether they were practised to a similar extent?—No, they were not.

In what proportion, compared with the present time?—I cannot form any exact criterion.

Can you state to the Committee the cause of such difference?—I believe it to be on account of the increase of country paper, and also Bank of England paper.

Are the bills so discounted on behalf of the country banks, such as the Bank of England would refuse to discount?—At least two-thirds of them, on account of their having more than 65 days to run.

Are there any other reasons for which you think the Bank would refuse discounting such bills?—Yes.

State them.—Some houses have more occasion for discount than others; the Bank only take a limited amount. The business of some houses arises principally at one period of the year when they make their sales; they then want larger accommodations than the Bank would afford them, and many of the bills being indirect, by which I mean not discountable at the Bank without two London indorsements.

Do you ever discount bills for London bankers through the medium of your country correspondents?—I do not believe that it is a general practice for the London bankers to apply for any such discounts.

Will you state what sum of money belonging to country bankers has been employed by you in the last year in the purchase of Exchequer bills, and other government securities?—In Exchequer bills I do not think 1,000*l.*

In what other securities?—Occasionally we buy stock for country bankers, but only to a very limited amount.

Do you guarantee the bills you discount, and what is your charge per cent.?—No, we do not guarantee them; our charge is one-eighth per cent. brokerage upon the bill discounted; but we make no charge to the lender of the money.

Do you consider that brokerage as a compensation for the skill which you exercise in selecting the bills, which you thus get discounted?—Yes, for selecting of the bills, writing letters, and other trouble.

Does the party who furnishes the money give you any kind of compensation?—None at all.

Does he not consider you as his agent, and in some degree responsible for the safety of the bills which you give him?—Not at all.

Does he not prefer you on the score of his judging that you will give him good intelligence upon that subject?—Yes, he relies upon us.

Do you then exercise a discretion as to the probable safety of the bills?—Yes, if a bill comes to us which we conceive not to be safe, we return it.

Do you not then conceive yourselves to depend in a great measure for the quantity of business which you can perform on the favour of the party lending the money?—Yes, very much so. If we manage our business well, we retain our friends; if we do not, we lose them.

Is not the quantity of business which you can do, limited in a great measure by the amount of the ready money which you are enabled to supply?—Yes, no doubt of it.

Does not then the quantity of discountable bills transmitted to you, depend on the quantity of ready money which you are able to furnish?—Yes; but we find that the better our bills, the more readily we obtain money on discount, as more people are induced to take bills on discount instead of buying Exchequer bills, or vesting money in the funds.

Do you not then conceive that the quantity of discountable bills that is drawn depends on the extent of the supply of ready money which the country bankers issuing country bank notes are able to furnish?—No, I do not, for when the country bankers are poor, the London bankers are often full of money.

Do you not conceive, then, that it depends on the quantity of ready money which the country bankers and the London bankers together are able to furnish?—I have no doubt in many instances it does; but if a manufacturer has sold his goods at six months, and learns that money is plentiful in London, and that he can have his bill discounted, he will send it to be discounted.

Does not that accommodation tend to increase the business of the country manufacturer?—Yes, no doubt of it; he goes to market again with his ready money.

Can you state what it may cost to raise money by discount in the manner you have described?—It will cost 6¼ per cent. per annum to the merchant, supposing the transaction to take place four times in the year, the banker 5½ per-cent. per annum.

Will you explain that difference?—The merchant pays from one-eighth to one-fourth per cent. for obtaining the bill on the banker in London; the country banker, unless he draws upon his London banker, pays no commission, as he pays away the bill he receives, and indorses it.

Have there been many losses incurred upon bills thus discounted?—No, there have not by us, except to a small amount indeed.

Were there any losses incurred upon such bills, before the restriction upon the cash payments in the Bank?—Yes, many more in the same proportion.

Were not many losses incurred in the year 1793?—To a very large amount.

How do you account for the greater proportion of losses before than since the restriction of the Bank?—I think that many of the country bankers have many losses by taking bills themselves; but those who do their business in London by means of a broker, who understands it, have but few losses.

Do you therefore assign the discretion of the agent in London to be the only cause why there have been fewer losses sustained since the restriction on the Bank than before it?—Yes; I should think it much depends upon the discretion of the agent in London.

Is not the present system of discounting, as carried on by the agents in London for the country banks, a great mutual accommodation to the country and London bankers?—I think it may to the country bankers, but not to the London bankers.

Is it not a great convenience to the London bankers, in times when money is in plenty, to lend on discount on the bills which the agents of the country banks carry to them?—Yes, it is.

You state, that you send long dated bills into the country (say six months to run) to be discounted?—Yes.

Is it not sometimes the practice for the country banker, to remit in payment a bill at two months upon his banker in London, that it may be there discounted, deducting of course the proportion of the discount money, namely for the two months, the country banker receiving a small commission for such transaction?—Yes, it is the practice in some parts of Westmoreland, and at Manchester; but those are transactions in which we have no concern, they are done by corresponding with the party directly.

Not to a large amount?—No, I believe not; business of this sort was done to a great extent, when a considerable number of West India bills at from twelve to thirty-six months date were in circulation.

Can you state to the Committee the causes which periodically produce an abundance or scarcity of money in London?—No, it is beyond my conception.

Do you think, from the appearance of the bills which have come into your hands to be discounted, that many bills are now drawn solely for the purpose of raising money, and not for real business done?—No, I believe a very small proportion indeed that are not for real business, pass through my hands.

Are there any other persons in London whose transactions are considerable in this line?—Yes, several, but I believe no one house that carries on agency to the same extent we do; I do not think they altogether carry it on to one third of the extent we do.

Are there not some who carry on similar transactions for mercantile houses in London, and obtain money on discount from London bankers?—A great many.

Can you state what may be the comparative extent to the latter class?—I should think to a much greater extent for the merchants, than for the country bankers.

Can you distinguish between those bills which are properly called bills of accommodation, and those for real mercantile transactions?—No, I wish I could; it would be of great use to me in my business.

Do not the bills drawn from the country, necessarily partake in some measure of both characters?—Yes, I have no doubt it is sometimes the case; I have heard it stated that a merchant in London shall buy 1,000*l.* worth of goods in the country, and that the seller shall draw for two; but to distinguish from the bill whether such transactions are real or not, is impossible.

Is not the sufficiency of the acceptor, drawer, and indorser, the principal rule by which you necessarily judge?—No, not at all times; there is a great influx of a particular description of paper in the market at times, which we must avoid, let the parties be ever so good. Particular businesses get into disrepute, the Spanish wool trade for instance. When an article is very high, both drawer, acceptor, and indorser, get into bad credit, and we are then cautious of taking such bills.

Can you generally obtain as many bills founded on real transactions in commerce, as you are able to get discounted?—Yes, nine months out of the year we can.

Can you obtain more of such bills than you are able to discount?—Yes, particularly for the last four months.

Supposing the supply of cash to increase through the increase of country bank notes, do you conceive that you could obtain a proportionable increase in the supply of bills founded on real transactions of commerce?—Yes, to more than double the amount of the increase, by taking bills which have from three to six months to run.

Has your business gradually increased to the great extent at which it now is?—Yes, for about the last four or five years it has.

March 30, 1810.

HENRY THORNTON, esq. in the Chair.

JOHN WHITMORE, esq. the Governor, and JOHN PEARSE, esq. the Deputy Governor of the Bank of England, called in together; and examined.

Does not the unfavourable course of exchange with foreign countries tend, even under the present restriction, in some degree to render its continuance and prolongation necessary, in so far as that necessity may depend on the proportion of specie in the coffers of the Bank to the amount of its notes in circulation?

Mr. *Whitmore.*—In my opinion the high price of gold bullion abroad, does make it necessary to continue the restriction; but I have already observed, that the low state of exchange has not operated before the restriction to drain us of our guineas to any material extent.

Mr. *Pearse.*—Undoubtedly it does, as far as regards the supply of the public wants with a circulating medium, as it would not be possible for the Bank to continue that supply if the Restriction Bill were removed, whilst the foreign exchanges remain so unfavourable as at present; a profit of from ten to fifteen, to twenty per cent. upon converting guineas into bullion, would be too great a temptation to allow any to remain in the Bank, as long as a Bank note remained in circulation. The Bank would inevitably be driven to the necessity of calling in its notes, or in other words of reducing its advances on bills, &c. which would produce that distress which the Restriction Bill was passed to prevent.

In case the Bank was now open, and

the exchanges were as they are now, and the price of gold also, should you be of opinion, that the Bank ought to restrain the amount of its discounts in consideration of the drain of gold which would result from those circumstances?

Mr. *Whitmore.*—If the Bank experienced a drain of gold, they would pay a very great attention to the description of persons to whom they afforded the discounts, and so far their caution would tend to diminish their total amount of discounts.

When you state, that the present high price of gold abroad would occasion a drain upon the Bank, and that it was never so high before the restriction as to occasion such a drain in any material degree; is not the course of exchange with foreign countries the only criterion by which you judge of the high price of gold abroad?

Mr. *Whitmore.*—The high course of exchange upon foreign countries is not the criterion I judge from, but the notoriety that the gold coin of this country is bought up in order to be exported.

Mr. *Pearse.*—The course of exchange certainly is the criterion.

Do you believe that the refusal of the Bank to discount for persons suspected of being concerned in the unlawful traffic of melting down or exporting guineas, would in point of fact prevent such unlawful traffic, so long as the market price of gold should continue so high above the Mint price as to afford a profit on such traffic?

Mr. *Whitmore.*—I believe our refusal to discount tends to lessen though not altogether to prevent it.

Mr. *Pearse.*—With the best intentions on our part, I am not of opinion that such refusal can prevent it.

If any period were now fixed upon, though a distant one, such for instance as one, two or three years for the termination of the restriction, should you not be of opinion, as a Bank director, that it would become necesary for the Bank gradually to diminish the amount of its notes in circulation, and to regulate the amount of its issues with a reference to the course of exchange with foreign countries; thereby on the one hand guarding as much as possible against any sudden and general embarrassment to the circulation of the country, and on the other, preparing itself in such a manner as might be least likely to produce any derangement of our commerce, to meet the opening without any risk of a demand for specie being then made for the purpose of profit in exporting it to foreign countries?

Mr. *Whitmore.*—In my opinion, we could not restrain the amount of discounts on the Bank, without so materially affecting the trade and revenue of the country that it would be advisable to wait the period of peace, when I should hope that the question will be considered in the most ample and impartial manner; and that as we may have good reason to expect the demand of gold bullion on the continent would cease, and the trade of the country allow of the free importation of the articles, the Bank might be enabled to resume their cash payments without inconvenience, or a prospect of their not being able to continue them.

Suppose the measure to be determined upon by parliament, of the opening of the Bank at a distant period, should you think that in the event of the exchanges continuing the same or nearly the same, some restriction of the Bank issues ought to take place with a view to prepare for the opening?—Provided it was imperative upon us to open, I should think a restriction of the Bank issues would be necessary, notwithstanding the fatal consequences that might arise from it to commerce and revenue of the country.

Mr. *Pearse.*—In the contemplation of the removal of the restriction bill at any definite period, it would become necessary for the Bank to regulate the amount of its issues, with a reference to the course of exchange with foreign countries; but while that exchange continues unfavourable (an event as arising out of the balance of payments not within the control or influence of the Bank) I cannot see that any regulation within the means of the Bank would, in the event of an opening, effectually preclude the risk of a demand for specie being then made for the purpose of profit in exporting it to the continent.

Do you mean that in the event of its being enacted that the Bank should open at a future time, you should deem it proper to restrain the Bank issues with a view to prepare for that event, supposing the exchanges to continue unfavourable?—I cannot say what would be my opinion in such a case; as that opinion would then be guided by the view that might be taken by the collected sense of the whole direction, arising out of such circumstances as might then prevail.

Supposing the Bank paper to be diminished, as you suppose that it possibly might in the contemplation of the event of the opening of the Bank, do you not conceive that such diminution would tend in some degree to lower the general price of commodities?—As long as it only passes as a circulating medium, I think not.

Do you conceive that a very considerable reduction of the amount of the circulating medium, would not tend in any degree to increase its relative value compared with commodities, and that a considerable increase of it would have no tendency whatever to augment the price of commodities in exchange for such circulating medium?—It is a subject on which such variety of opinions are entertained, I do not feel myself competent to give a decided answer.

In your examination of the 21st inst. you state, that an excess of country bank paper can only obtain when issued otherwise than as representing securities arising out of real transactions, and payable at fixed and not distant periods; and yet, in your examination of the 23d, you state, that this paper must always circulate at par, or it would return upon the parties that issue it; can there then be any permanent excess of country bank paper while it is so exchangeable?—In my answer of the 21st of March, I adverted to the causes which might be productive of an excess in the issues of country bank paper: in my answer of the 23d, I meant to allude to the consequences which must inevitably, in my opinion, result from the existence of such an excess. It is certainly possible, were it important in amount, that the country banks, by not regulating the issues on the principle of the Bank of England, might send forth a superabundance of their notes; but this excess, in my opinion, would no sooner exist in any material degree, than it would be corrected by its own operation, for the holders of such paper would immediately return it to the issuers, when they found that in consequence of the over issue its value was reduced or likely to be reduced below par: thus, though the balance might be slightly and transiently disturbed, no considerable or permanent over issue could possibly take place, as from the nature of things the amount of Bank notes in circulation must always find its level in the public wants.

Do you not believe it impossible, that the course of exchange should continue at its present unfavourable rate for any length of time, if the restriction of the cash payments of the Bank were removed?

Mr. *Whitmore.*—I should think it very likely to continue as it is now, if the trade of the country and the price abroad were also to continue as they now are.

Mr. *Pearse.*—It would or would not continue, according as the trade of the country and its political expences would operate.

Then you do not believe that the facility which would be acquired of obtaining guineas by the removal of the restriction upon the Bank, would operate upon the rate of exchange with foreign countries?

Mr. *Whitmore.*—In whatever extent the guineas and the bullion might be exported, it would operate to the improvement of the exchange, like the exportation of any other commodity.

Mr. *Pearse.*—I concur in that opinion with the governor.

If a person abroad sends a bale of goods to this country which cost there 100*l.* in specie, does he not calculate the value of the bale according to the amount he can receive for it in this country?

Mr. *Whitmore.*—I do not believe that any foreign merchant makes a calculation of profit upon a single transaction, but from the general result of that trade he may be engaged in.

But if the foreigner can receive 100*l.* in specie for his goods when sent into this country, would it not, independent of the charges, make the exchange even?—If the import and export of the country were alike, the exchange would be even.

If, however, he receives 100*l.* in Bank notes, and is under the necessity of going to market for bullion, will he the foreigner not rate his goods 20 per cent. higher, the difference in the price between them; and will he not invoice his goods 20 per cent. higher to his correspondent accordingly?—I cannot contemplate a trade where the invoices are made out with reference to the price of bullion.

If this were the case, what prospect should we have of a rise in the price of the exchange?—Never having weighed the subject with any reference to the price of bullion, I am not prepared with an opinion how a merchant would act in such a case.

Is it not the practice with the Bank to keep the issue of their notes rather below the amount which the occasions of the public would appear to require, than to allow any excess of their amount with a view to profit?—I think I have already stated, that the Bank does not comply with the whole demand upon them for discounts, and that they are never induced, by a view to their own profit, to push their issues beyond what they deem consistent with the public interest.

Mr. *Pearse.*—I agree that our practice is entirely consistent with the answer given by the governor.

April 2, 1810.

WILLIAM HUSKISSON, esq. in the Chair.

WILLIAM CONINGHAM, esq. called in, and examined.

What is the present state of the Irish exchange?—The exchange from London to Dublin is 9½.

Has it fluctuated since 1804?—Yes, very much indeed; it is a great deal lower than it was then.

How is it in respect to foreign countries?—There is not any exchange between Ireland and foreign countries; it is all done through England.

Although the exchange between Ireland and England has become more favourable to Ireland, as calculated between those two countries, has not the exchange become so far unfavourable, as between England and foreign countries, as to compensate, or nearly compensate, for the improvement?—Certainly.

Do you not conceive, then, that a given quantity of the present circulating medium of Ireland, might exchange for about the same quantity of the circulating medium of the countries of Europe, as in the year 1804, when the Irish exchange with England was so particularly unfavourable?—I think it would do so, or nearly so.

It appears from your evidence before the Irish Exchange Committee, in the year 1804, that you were of opinion that the paper currency of Ireland was then depreciated, and that this depreciation was the cause of the unfavourable state of the exchange between England and Ireland; are you of opinion that that paper is still depreciated, and if so, to what circumstance do you ascribe the improvement in the exchange between the two countries?—I think it is still depreciated, but in a very inconsiderable degree compared with what it was in the year 1804: and I am inclined to think, that the cause of the depreciation being so much less now than it was at the period alluded to is, that there is greater confidence in the paper than there was at that time; and therefore the people take it with more freedom, and of course consider it of more value.

Do you consider the paper currency of this country as depreciated?—I do not.

What are the grounds of that opinion you have given, that the paper of Ireland is depreciated?—Because I know that there are two rates of exchange in passing bills upon England; one rate for bills paid for in specie, and another rate for bills paid for in Bank of Ireland notes; the present difference is from 2½ to 3 per cent. against the Bank notes.

Do you mean, that when a bill upon London, which is payable in Bank of England notes, is sold in Ireland, it sells at a better price if Bank of Ireland paper is given for it than if gold is given for it in Ireland?—That is what I mean.

Is it customary for any bills to be drawn from Ireland on London, which are directed to be payable in London in guineas, and not in Bank of England notes?—There is no such custom.

Is it customary ever to draw bills in London upon Ireland payable in Bank of Ireland paper, and to sell those bills in London for guineas at one price, they being sold in London for Bank of England notes at another?—I believe no such practice obtains.

Has the difference, which now is 2 or 3 per cent. been ever greater?—Much greater; I have known the actual premium more than 11 per cent.

Are large sums paid in gold at the present rate of 2½ or 3 per cent. premium?—I believe not.

Does this practice prevail in many parts of Ireland?—I should think it prevails chiefly in the north.

Is there any large quantity of guineas circulating in those parts?—I believe very considerable.

Do you know whether all the rents are paid in gold?—I believe not all, but the greater part are.

Does much paper also circulate in those parts?—Yes, certainly, a very considerable quantity of paper.

Is there a regular agio, or difference between paper and gold in the markets in the north of Ireland?—Yes, there is.

Has not the high price of bullion, which has now subsisted for about a twelvemonth, led to any transmission of guineas from Ireland to foreign parts, or to the melting of guineas for the purposes of profit?—I believe not; and there is one proof of my opinion, the difference of the price that I have stated between paper and specie, is rather less now than it has been for several years past.

Would there not be a profit on the transmission, or the melting of the guineas now circulating in the north of Ireland?—I believe there would.

Can you state whether many of those guineas are under the Mint weight?—I believe they are not; they are very particular about weighing them.

Do the bankers hold any of those guineas?—I should think not any large quantities.

Are many of them sent hither?—I think not.

Has the fluctuation in the agio or discount between paper and guineas in Ireland, been exactly proportionate to the fluctuations in the exchange between England and Ireland?—Yes, it has, or nearly so.

Has it had no reference to the state of exchange between England and foreign countries?—I do not think it has; the reason is, that the people in the north of Ireland do not concern themselves with foreign exchanges, and their attention has never been turned to the advantages of transporting guineas into foreign countries.

If a bill of exchange from London on Hamburgh will bring a higher price in Bank of England paper than it will in guineas, will you not say that the Bank of England paper is depreciated?—Undoubtedly it is, so far as it is used in the foreign exchange.

Do you attribute the low and steady rate of exchange during these last 3 or 4 years, to the different mode that has been adopted in transmitting the funds of government from the one country to the other?—I think that the regular and invariable mode that has of late years been adopted of transmitting loans, has been the cause of keeping the exchange steady and moderate also.

Did the former mode tend to render the exchange steadily unfavourable to Ireland?—I think it contributed to it considerably, on account of the great speculation which it promoted by persons in London and Dublin, who were dealers in exchange.

Was not the effect of this mode rather to create great fluctuations within short intervals, than either steadily to improve or to depress the exchange?—I think certainly it was.

You have stated, that there is a premium of 2½ to 3 per cent. in favour of gold, compared with Bank of Ireland notes in the north of Ireland; do you not attribute this premium to the circumstance of rents being generally paid in gold in that district of the country?—I think that circumstance contributes very much to it, and another one, which is very material, adds to it also, that the people in the north of Ireland have been very little accustomed to paper circulation amongst them at all; and therefore, from habit, they greatly prefer specie.

Are the transactions which are paid for in gold to any great extent in the district to which you have alluded, and is not the chief amount of transactions discharged in Bank paper?—I believe that in some of the counties in the north of Ireland the greatest part of the transactions are discharged in specie; but in other counties, where the amount is much greater, it is more in bank notes; I mean the great trading towns, Belfast, and so forth.

There being a premium of 2½ per cent. to 3 per cent. in favour of gold compared with Bank of Ireland notes, does not the same premium prevail in favour of Bank of England notes, compared with the notes of the Bank of Ireland?—The same difference does prevail in favour of Bank of England notes.

Are not the linens of the north chiefly purchased in specie in several markets?—They are purchased in several markets almost entirely for specie; but I think in other markets, and the greater markets particularly, great quantities of linens are paid for in bank notes.

You have said, that the payments of rent in specie is the cause of the premium on guineas in the north of Ireland?—It contributes to it.

Do you conceive that the demand for guineas for the purpose of paying rent, and for purchases of linen, can materially alter the real value of guineas?—I think it is the sole cause of the guineas being preferred to the Bank notes, that the Bank notes are refused on those payments.

Do Bank of England notes circulate to any extent in Ireland?—No, very few there; but when they go for the purposes of Exchange, they do not continue in circulation there.

Is there any quantity of Bank of England paper sent to Ireland for the purposes of Exchange?—I think not any quantity.

Are not Bank of England notes more in demand in Ireland, principally for the convenience of making small payments in England, or for sale to persons whose business may require that they should speedily provide themselves with small sums in the currency of England, rather than for the adjustment of mercantile transactions between the two countries?—Yes, certainly.

What is the present state of exchange between Belfast and London?—I believe it is 7½ per cent for specie, or from 9½ to 10 per cent. for Bank of Ireland notes.

What is the present rate of exchange from Dublin on London?—Eight per cent

To what do you ascribe the unfavourable course of exchange which has now existed for several months between England and foreign countries?—I believe it has chiefly arisen from an uncommonly great importation of goods into this country during the last 12 months; and I believe it has also been much increased by a great diminution of remittances that would have been made to this country from different parts of Europe, on account of their imports from the United States of America, if the embargo in America had not prevented the usual shipments of goods from that country to Europe; and also I am inclined to think, there was a considerable diminution of exports from this country in consequence of the orders in council in England, the decrees in France, and the American embargo.

April 4, 1810.

William Huskisson, esq. in the Chair.

Sir Francis Baring, bart. called in, and examined.

Are you aware that the exchanges with the Continent of Europe, have been greatly against this country for many months, as much as from 15 to 20 per cent. and that the market price of gold has been above the Mint price in nearly the same proportion?—Certainly.

Do you think the exchange would have been so very unfavourable if gold coin had been circulating in this country in the same manner as before the restriction bill?—The circulation consists of paper and of bullion, and the course of exchange is the regulator of the one and the other in all quiet and current times: by quiet times, I mean of peace; by current times, I mean war, free from restriction of every description upon trade with foreign parts. During the 7 years war there were no restrictions upon trade, the same operations to perform on the continent of remitting money from hence to pay for the increased quantity of naval and military stores; and yet in no one instance was there a want of bullion. The same was the case during the American war; through the whole of it there was no want of bullion. And therefore I think that if we could continue our payments in specie as heretofore, and there had been no restriction upon trade, the course of exchange would not be unfavourable to the country. I therefore consider the two great circumstances which affect the exchange to be the restrictions upon trade, and the increased circulation of the country in paper, as productive of the scarcity of bullion.

Supposing there had been no such restriction upon foreign trade as you have described, but that the suspension of cash payments at the Bank had continued in force, do you conceive that the increased circulation of paper to which you have adverted in your former answer, would have had the effect of raising the price of all commodities, and among others of bullion, and also of lowering the course of exchange?—The question extends much beyond what I conceive that stated before; I think that you cannot precisely define what is the cause or causes, but that I stated the two I have mentioned as the most prominent, not that either the one or the other would produce any given effect.

From what circumstances do you infer there exists a scarcity of bullion?—From every information that I have ever received, or the opinion of any one person with whom I have conversed on the subject.

In what way do you conceive that the increased circulation of paper conduces to the scarcity of bullion?—The one is issued and substituted in the room of the other, which is withdrawn, and which cannot be commanded by the holders of paper.

Would not the removal of the restrictions upon trade diminish the price of bullion?—The removal of the restrictions upon trade would produce an exportation of merchandize, and facilitate the means of importing bullion.

Are you of opinion that any certain and adequate provision can be made against an occasional excess of paper circulation in any country, and especially in a commercial country, where that paper is not convertible into specie at the option of the holder?—In this country, if I may judge from experience, I should doubt it; but if the Bank conducts itself upon the same principles at present when they do not pay specie, as they did when they were compelled to pay in specie, I should think that it might be safely left to the discretion of the Bank.

What do you mean by that experience in this country which leads you to doubt it?—I mean that in the year 1797, and some years previous to that, the issue of the Bank notes was not more than 11 millions sterling; I have seen a printed paper, which has been laid before the House, in which it is stated that the circulation at present of Bank notes exceeds 21 millions; I am decidedly of opinion that it is more than can circulate with safety to the general circulation of the country.

Are you not aware that the issuing of notes under *5l.* has increased materially the whole amount of notes issued; and do you not believe that the amount of small notes should be left out of the account in comparing the present amount of notes in circulation with that existing at the period you have alluded to?—The small notes are equally paper, and they add to the mass of Bank notes before in circulation; they issue in the same manner in exchange for public or private securities: Instead of being left out in a comparative view, I fear they rather tend to increase the difficulty more than their due proportion, because they cannot be withdrawn without an issue of specie to an equal amount, and therefore stand in the front of the battle.

You have stated, that you conceive an excess of paper circulation may be guarded against in this country, if the Bank conducts itself under the restriction, upon the same principles which governed their issues when they were compelled to pay in cash; what do you conceive is the principle by which the Bank should now regulate its issues, as well as the best criterion by which to judge of any excess, and the best corrective of that evil?—Before the restriction, the experience of above a century proves that the administration of the affairs of the Bank has been wise and correct; the public have been satisfied, the country has flourished, and I am persuaded that the Bank of England has proved a most important invaluable instrument in promoting its prosperity. This experience points out the only principle on which the public can rely with confidence, namely, to return again to payments in specie whenever it shall be in the power of the Bank to do so.

Have not the improved methods of carrying on dealings in money, contributed very much to render a smaller quantity of circulating medium sufficient for the commerce of the country, than when specie formed a considerable part of it?—I have not sufficient practical knowledge to enable me to judge. The want of specie may produce a reduction, unless increased by other means. There are likewise causes which I do not thoroughly understand, and which may render a smaller quantity of circulating medium sufficient; but I doubt whether the last can prove an object worthy of attention.

Supposing the excess of the circulation of paper to be in a degree such as to increase the price of commodities, would that increase of price produce any effect upon the foreign exchange, until it arrived to the degree so as to check the exportation of merchandize?—An excess of paper circulation will no doubt affect and raise the price of the whole of the productive labour and industry of the country. The proportion that is exported will participate to the extent of its value; and as the necessary consequence of high prices is a reduction on the demand, it must operate decisively on the foreign exchanges, unless they are supported, or the fall counteracted, by an export of bullion. But until the demand or exportation is checked, an increase of price will produce a beneficial effect on the foreign exchanges.

Is it your opinion that the increased capital of the country, whether consisting of that which is commercial and trading, or whether consisting of that which is agricultural and belonging to the public revenue, does not require a proportionate increase of the circulation of paper or specie?—If the public revenue or trade required 1,000*l.* to be remitted to London formerly, and that 2,000*l.* is required at present, there must be an addition of 1,000*l.* in paper. Such country paper however (always too abundant) arises from various sources and causes, and cannot be considered as a general medium of circulation. The only general circulating medium, as a general representative of bullion at home, is Bank of England notes, and which will admit of correct regulation, because they issue from a single source. Bank notes (in the absence of specie) serve for pocket money, &c. in the capital, and for the invaluable purpose of melting down, finally, the whole produce of commerce, trade, agriculture, and public revenue into one general mass; for which purpose a comparative small sum will serve to liquidate a very large one, by repeating the operation several times in the course of a year. The whole of the public revenue is remitted to the Bank, where it liquidates itself; the remainder passes through a general extensive circulation, requiring aid for its final extinction, and for which purpose I conceive that eleven millions of Bank notes is far more than sufficient. The subjects, of Government paper and the discount of commercial bills, form separate questions.

Do you conceive that the Bank of England will effectually guard against the possibility of any excess in the circulation of the country (as well their own as the paper of country banks) if they regulate their issues by the demand for discounts of good bills founded on real mercantile transactions, as the occasions of the public may appear to require?—It has been ascertained by long experience, that wherever paper has circulated under the power or influence of Government on the continent, that it has failed. The paper of the Bank of England has stood firm for above a century, and flourishes at this moment with unabated confidence. The power reposed in the Bank is great; their paper is the basis on which the best interests of the country rests; it is the seed which serves to produce the whole of its commerce, finance, agricultural improvements, &c. &c. Such a power may remain with safety, so long as the Bank is liable to discharge their notes in specie, because that circumstance constitutes a complete counteraction to any disposition (if it should be entertained) to increase the circulation beyond a reasonable and safe limit, and, under that circumstance, things (foreign exchanges, &c.) will find their proper level. The question is too general in speaking of good bills founded on real mercantile transactions, &c.; there are many instances of clerks not worth 100*l.* establishing themselves as merchants, and receiving (since the restriction) an accommodation from the Bank, by discounting what is called good bills to the amount (probably) of 5 or 10,000*l.*; such a demand I am inclined to consider as created by the Bank, and not arising out of a regular course of trade, such as would exist if the restriction was removed. This circumstance is important, if my opinion, that the circulation of the country cannot be perfectly safe until the restriction is removed, is well founded. There is no information in what manner the Bank employed the produce arising from eleven millions of notes, I must therefore suppose a case, and say four millions in bullion, four millions to Government, and three millions commercial bills. The circulation of Bank notes now amounts to 21 millions; deduct from thence the bullion in its increased extent, to which it may be supposed to amount in consequence of the restriction, it will still leave a much larger sum to be employed in public or private securities. Public securities may create a temporary difficulty and embarrassment, which can easily be relieved by funding. But if any embarrassment shall be produced by an excess of private securities, a reduction during the alarm is impossible, and an increase for a time will become indispensable, whilst the excess of both or either will contribute to prolong the period of the restriction. I consider the opinion entertained by some persons, that the Bank ought to regulate their issues by the public demand, as dangerous in the extreme, because I know by experience, that the demand for speculation can only be limited by a want of means; and I think the Bank would not be disposed to extend their issues beyond three-fourth parts of its present amount, if the restriction was removed. It may prove dangerous to impose any positive restraint on the Bank by law or otherwise, for cases may and will arise when an excess will be proper, and that it would be culpable to withhold it. But if the House shall be disposed to entertain an opinion, and will pronounce it distinctly, I think the Bank may be left with full power to act under their responsibility.

EDWARD WAKEFIELD, esq. called in, and examined.

Have the goodness to state to the Committee the observations which you have made respecting the circulation of Ireland, as well in paper as in gold and silver.—The general circulation of Ireland consists of, first, the issues of the bank of Ireland of three different descriptions, bank notes payable to bearer on demand, bank post bills, and dollars promising payment of six shillings Irish, have been issued to the amount of 200,000*l.* private bankers notes payable on demand to bearer, and private bankers post bills. The obligation of payment of all issues of private bankers is in bank of Ireland notes. I have observed, all private bankers as well in the country parts of Ireland as in Dublin, issue a vast number of post bills; all their issues above three pounds are at seven days sight. Except the two new banks lately established at Belfast, and Mr. Brownlow's bank at Lurgan, I know of no country banks the paper of which is payable in Dublin; the consequence is, that they are circulated only within a given district from the place where they are issued, and the circulating medium of that district is confined to the issue of that particular Bank. Within those two or three years, the issues of all the Bank are in pounds, not in guineas. I understood, all through the South of Ireland, that persons employed by the merchants of Limerick, Cork, and Waterford, to purchase butter of the farmers through the country on commission, who are commonly called butter factors, received a commission from the different bankers, for circulating their paper.

Is not that the case with the corn factors too?—I believe it is. I observed at Balinasloe fair, which I have attended the last 2 years, that it has been attended by gentlemen from four Banks in the county of Galway, who have given their own notes for any bills drawn upon Dublin, at sixty-one days; and it appeared to be a matter of competition amongst them, who could give out the greatest quantity of their bank paper in exchange for those bills. There is an act of Parliament, or a regulation in some way, I believe, to prevent the paymasters of regiments from circulating private paper, and they now receive from Dublin national 40*l.* Bank notes which they break in the country, and pay their respective regiments with the private paper of the district in which they are. The private bankers who issue notes in Dublin, charge only five per cent. discount upon their bills, the legal interest of the country being 6 per cent.; the National Bank by charter are confined not to pay more than 5 per cent. and that is the rate they charge. An opinion generally prevails, of guineas being hoarded; I have only been able to collect a few instances; Mr. Morley Saunders, who possesses an estate in the Queen's county, which was lately out of lease, let it to the immediate tenants, taking from them a fine of one thousand guineas, which was paid by the tenants to him in tarnished gold; his rents have since been regularly paid with Bank notes. In the North I observed two prices asked for every thing, a paper price and a metallic price. I had occasion to examine there the accounts of two agents of property belonging to gentlemen who were absentees from Ireland, who had stated to their principals, and afterwards to me, that they received nothing but guineas for their rent; I however discovered that they supplied a shopkeeper in their neighbourhood with a small number of guineas on the day they were to receive the half-year's rent, and that when a tenant came with Bank notes in his hand, excusing himself from the payment of guineas, saying that he had not been able to procure them, they sent him to this shopkeeper whom they had supplied with the guineas, ordering the tenant to buy guineas of that shopkeeper, which were travelling backwards and forwards from the agent to the shopkeeper the whole day; and thus a very small number of guineas paid a large rent; in fact, the agent through the shopkeeper receiving a discount upon the Bank notes which at the end of the day he found in his desk. I saw an instance in the county of Clare, of gold being brought out upon the arrival of a smuggling vessel, the master of which would not sell his goods for any thing but gold, and which was paid for in 24 hours in gold.

What was the difference between the metallic and paper price of commodities?—Seven pence in a guinea. I am speaking of last November.

Do you mean to say, that in all the shops in Belfast and other towns in the North of Ireland they have a paper and metallic price for the articles in which they deal?—I have observed it in all dealings which I have witnessed in the North of Ireland, particularly in the linen market, and the purchase of horses. The next article of circulating medium are unstampt dollars, I believe generally imported from Liverpool, and issued by individuals; they vary in price according to the price of silver; they passed from 4*s.* 6*d.* to 4*s.* 11*d.* while I was in Ireland. I understood the price to depend upon government buying them up for the army going abroad, or the demand from England when the East India company's ships were sailing. The next object of circulating medium are Bank tokens; they consist of five-penny, ten-penny, and thirty-penny pieces; six-ten-penny and one five-penny weigh a dollar; or thirteen five-pennies, or two thirty-pennies and one five-penny; and they have been issued to the amount of 950,000*l.* British of the same alloy as dollars. I consider them in the nature of exchequer bills not bearing interest, as the same act of Parliament which authorised their issue, obliged the Exchequer to receive them in payment of revenue; they are current by act of Parliament and not by proclamation. I observed in the counties of Kerry, Clare, Cork and Limerick, a considerable circulation of what is there termed silver notes, which are in fact promissory notes, for payment of small sums; it is directly contrary to law, they are issued without being written on stamps, and are generally done in some sort of way to evade the penalties attached to the persons who circulate them. Throughout Ireland, except in the city of Cork, English shillings are not current.

"*To the Chairman of the Bullion Committee.*

"41 *Piccadilly, 5th April* 1810."

"Sir; Thinking that I can give to the Bullion Committee a more detailed and accurate account of the facts which have come to my knowledge, relating to the circulating medium of Ireland, in a letter, than it was possible for me to do in the conversation which I had with the committee last Wednesday, I take the liberty of addressing you upon the subject, leaving it to your judgment whether to suppress or lay this letter before them.

"The limited and inadequate circulation of Ireland is aided by various expedients; and I will endeavour to give you a list of the items which compose the circulating medium of the sister island, and the means by which transfers are effected without the intervention of that medium.

"1.—*Issues of the National Bank*:—Which are partly paper and partly tokens. The paper consists of notes payable to bearer on demand, and amounts to ; and notes payable to order seven days after sight, which amount to . The tokens are Spanish dollars, stamped as tokens for six shillings Irish currency, and amount to 200,000*l.*

"This last issue is partly a credit medium, for the dollar is worth only about 4*s.* 3*d* or 4*s.* 6*d.*; and the difference between this intrinsic value and the sum of six shillings at which they are issued, is completely a credit given by the public, and rests on the same foundation as an issue of paper.

"I have not been able to fill up the blanks with the amount of Bank of Ireland paper; but a return of that amount is readily procured, if the Committee think it requisite. The total of both blanks is, I believe, about three millions.

"2.—*Issues of private Bankers*:—The banking houses in Dublin, except those of Messrs. Latouche and sir Thomas Newcomen & Co. issue notes payable to bearer as well as the country banks.

"The issues of private bankers are, notes payable in bank of Ireland notes, and not in specie.

"Private bankers post bills are likewise made payable in bank of Ireland notes; and as they require acceptance ten days before they are payable, they are kept in a forced circulation.

"The Lurgan, Londonderry, and two Belfast banks, make their notes payable in Dublin, as well as at their own house; but nearly all the other private bankers make their notes only payable at the place whence they are issued.

"The notes of both the bank of Ireland and of private bankers, are now for one or more pounds; not for a guinea or 1*l.* 2*s.* 9*d.* currency, as they were formerly.

"All private bankers are in Ireland compelled, by the 29 Geo. 2. cap. 16. to take out a licence, and prohibited from trading; which has thrown the banking trade into the hands of a wealthier class of persons than it would otherwise have have been in. The prohibition against bankers trading, has deprived them of some of their means of forcing paper into circulation; but this obstacle has been more than overcome by the increased activity and use of those left.

"Private bankers have, for a long time, regularly collected the specie in circulation, but on no occasion voluntarily issue it; which has caused guineas to disappear from three provinces, and heightens the premium on them. The recent establishment of two banks at Belfast threatens the same consequences in the North.

"It is common for private bankers to pay a commission to butter factors, corn-buyers, and other dealers, on the amount of the paper they can issue. Though the paymasters of regiments are prohibited from this practice, and are supplied with bank of Ireland notes, yet these notes are exchanged for smaller ones by the country banker, and are thus withdrawn from circulation and replaced by private paper.

"At Ballenasloe Fair all payments are made in bills on Dublin at sixty-one days date; and although the business done there is immense, the Galway bankers attend, and are ready to exchange these bills at par for their own notes.

"The bank of Ireland is restrained by their charter from taking a larger discount than five per-cent.; and those Dublin bankers who issue paper, discount at that rate in their own notes; but the two banking houses which do not issue paper, charge the legal rate of discount, which is six per-cent.

"Under this head of issues of private banks, I wish to add, that there is in Ireland a circulation of forged notes, of which no one here can form an idea, and the amount of which it is impossible to guess, although it is known to be enormous; indeed so large as to deserve a place in every calculation of the amount of the circulating medium of the sister island.

"In the city and neighbourhood of Dublin, bank of Ireland, and Dublin private bankers paper, constitutes the circulating medium.

"Kilkenny, Wexford, Waterford, Youghall, Clonmell, Fermoy, Cork, Mallow, Limerick, Ennis, Galway, and Tuam, have private bankers, whose paper is the prevailing, and in most instances the entire circulating medium of their respective neighbourhoods. Each of these private banks, have by them some quantity of bank of Ireland paper, which, however, they never issue when they can avoid doing so. They all draw bills upon Dublin at thirty-one days, which is a premium of one half per-cent.; and one cause of their only paying their notes at their own banks, is to secure this profit.

"3.—*Promissory Notes*, called *Silver Notes*—Are in circulation in the counties of Kerry, Limerick, Clare, and Cork, in direct violation of the law, which prohibits the issue of notes for small sums. But great art is used to evade the penalties to which the issuers of such notes are liable. They are drawn as if they were the weigh-bills of corn buyers, as I. O. U., or bearing a date previous to the Act. The amount of this species of paper is inconsiderable.

"4.—*Bills of Exchange*—Greatly aid transfers, and supply the place of circulating medium; especially those drawn on Dublin, which pass from hand to hand till they fall due.

"5.—*Tally Payments*:—There is a considerable transfer of property and payment for labour, in various parts of Ireland, by tally between landlords and their tenants, the work of the latter being set against the rent and property of the former.

"6.—*Guineas*:—It is a general opinion that guineas are hoarded, and there are some facts, with which I am acquainted, that seem to support it.

"Mr. Morley Sanders having let an estate in the Queen's County, for a fine of 1,000 guineas and an annual rent, was paid the fine in tarnished gold; but the rent, which arises annually from the produce of the soil, has invariably been paid him in paper.

"In October last, a smuggling vessel at Miltown Malby, in the county of Clare, had her whole cargo, amounting in value to some hundred pounds, paid for in guineas in the course of 24 hours.

"A girl was tried at Trim summer assizes 1808, for robbing her father of 800 guineas, which he had hoarded.

"I have been assured by several, that they always lay by every guinea they receive, looking upon them as a rarity; and I am sure that in consequence many affix an ideal value to coin. One person told me he had borrowed bank notes at an interest of 12 per cent. with which to pay his rent, though he had gold by him, which he would not part with.

"In that part of Ireland in which guineas still circulate, two prices are put on every article offered for sale; and it is common to buy at the coin price and pay in paper, when the buyer pays in addition what is called the discount, which however is the premium of guineas.

"The quantity of gold in the North of Ireland has been much over-rated. I have known the agents of absentee proprietors supply a shopkeeper with a few guineas, to sell to the tenants at a premium on the day that their rents are payable, which, on the rents being paid, were again given to the shopkeeper to resell; and this operation, to the profit of the agent and the shopkeeper and to the delusion of the public, has been repeated with the same guineas several times in one day.

"I have not heard of this trick any where but in the North, where it is supposed guineas circulate, and the agents pretend that their employers insist on being paid their rents in gold.

"The effect is extremely oppressive to the tenants, and injurious to the landlords."

"7.—*Spanish Dollars*—Are imported by individuals from Liverpool chiefly, and circulate without a stamp at an uncertain value, according to their weight and the market price of silver.

"8.—*Bank Tokens*—Are issued by the Treasury to the Bank of Ireland, who issue them to the public; they are of silver, and are for 5*d.*, 10*d.*, and 30*d.* The act which makes it an offence to coin them, directs them to be received at the Exchequer, and thus secures their value to the public. They were stampt Bank Tokens, because the bank had previously issued dollars so stamped, and it was therefore deemed a less innovation. They were issued for the above sums, both as forming change for the stampt dollar, and to confine their circulation to Ireland. These tokens are a sort of silver exchequer bills for small sums payable without interest, and their amount is 955,000*l.* British; they are not current by the king's proclamation like Mint coin.

"9.—*Copper Coin*—Consists of pence and half pence. There was a new coinage of 600 tons since the year 1804. Thirteen of these pence represent a British shilling.

"10.—*English Mint Silver*—is seldom seen, and not current, except in Cork and its neighbourhood; which I apprehend arises from the frequent communication with English shipping.

"11.—In the King's County, lord Charleville has issued a piece of copper about the size and weight of a penny piece, promising the payment of 13*d.* every Tuesday in Tullamore; which is the currency of small payments in that neighbourhood.

"It would be interesting to know the amount of guineas which have passed between this country and Ireland, from 1804 to this time: the amount from 1797 to 1804 was given by Mr. Burrowes to the Irish Exchange Committee in 1804.

"The colliers, who used to make all their payments in gold, now pay for their coals in bills of exchange.

"In the foregoing letter, I have confined myself to facts, as I wish to avoid misleading the Committee by conjectures; and do not feel I can aid their researches by adding any theory of my own to the facts I have stated for their consideration. I have, &c. EDWARD WAKEFIELD."

April 5, 1810.

DAVIES GIDDY, esq. in the Chair.

WILLIAM IRVING, esq. Inspector General of Exports and Imports, called in, and examined.

Have you any reason to suppose that the official value of imports from the East Indies and China, in the year ending 5th of January 1810, which is left in blank in the annual account rendered this year to parliament, will very materially differ as to its amount from what it was in former years?—There is a considerable increase in cotton from the East Indies, but it is probable that the aggregate amount may be nearly similar to the former years.

Please to state in what manner the value both of imports and exports is computed.—The value of both exports and imports is calculated upon an official valuation established a century ago, which better serves the purpose of a comparison of the trade of one year with another, than that of shewing the true balance as affecting the courses of exchange with foreign countries.

What do you conceive to be the probable difference between the official value of goods as stated by you, and the present actual value?—It would be difficult to give an immediate answer; probably an advance of from 45 to 50 per cent. may be added to the official value of British goods exported, and very considerably more to the value of foreign goods imported.

Are West India articles less underrated than other articles?—In the official books they are.

How much less?—I consider them as rated nearer to the actual value than any other branch of the imports.

Do you mean that 45 or 50 per cent. is the average amount of the undervaluation of all exports, including West Indian articles?—I confine my estimate of from 45 to 50 per cent. to British produce and manufactures exported only.

Do you include West Indian articles in the articles imported?—Yes, certainly.

Do you consider the undervaluation of

imported articles to be much more than 50 per cent. taking West Indian articles into the estimate?—I do; the undervaluation would be still greater, if it were not for those articles on which the official value approaches nearer to the real value.

How near to the real value do West Indian articles imported approach?—In some instances they exceed the present prices, in others they are rather less; upon the whole they may be estimated at not more than fifteen to twenty per-cent. over the official value.

Is gold or silver imported or exported included in your annual Account?—Bullion or coin are not included either in the account of goods imported or exported, because there is no obligation on the part of the importers to state the quantities imported; we therefore do not include the quantity exported in the commercial accounts of goods exported.

Are there any other articles which can be exported or imported without being stated to the custom-house?—None, with the exception of government stores, which do not require an entry, not being subject to duty.

Are not stores sent on government account by persons contracting to send them, entered among the exports?—Where they are charged with duty they are, but not otherwise.

Are they not generally charged with duty?—I believe a very small proportion of them are charged with duty, the duty being only charged on such as are sent on account of individual officers.

Are the stores taken on board merchantmen and men of war sailing from this country, included in your account of exports?—Stores for the use of the crew are not required to pass an entry, consequently the searchers account of exports delivered over to the inspector general cannot include any articles contained in the victualling bill for the ship's use.

Are all captured vessels included among your imports, as well ship as cargo?—All prize ships and cargoes are included, except they are applied to the use of government.

When was the oficial value of goods exported and imported made?—In the year 1696, when the office of inspector general of exports and imports was established, since when there has been no alteration.

You have stated, that probably considerably more than from forty-five to fifty per cent. should be added to the official value of goods imported, in order to give the actual value, but that it is difficult to say how much; could you furnish any tolerable estimate of the amount of the addition to be made in the course of a few days?—It would be difficult to furnish a tolerably acccurate account, inasmuch as the actual value upon many great articles is not easily to be supplied, there being a great variety in the qualities of many of those articles, and the proportion of the several qualities not being known at the custom-house; the accounts which I deliver in contain a number of general heads, and the articles under each head are very various in their value.

In the account delivered in by you up to the 5th of January 1810, you state, that the official value of exports of British produce and manufactures amount in official value to 35,107,439*l.* and that the real value amounts to 50,247,761*l.*; how do you estimate that real value from the official value?—I estimate the real value of goods subject to duties *ad valorem*, by the declarations of the exporters on oath.

Have you any means of ascertaining the real value of foreign merchandize imported?—I have no official means of ascertaining it, or any other means that could be satisfactory to the Committee.

Has your estimate of the difference between the official value and the actual value of exports being from forty five to fifty per cent. been founded upon your actual observation of the difference between the official value and the actual value taken from the declaration of the exporters in the course of several years, or only in the last year?—The prices of the goods have fluctuated in different years, but the difference between the official value and the actual value of British produce and manufactures exported in the year 1809, appears to have been from 45 to 50 per cent.

VINCENT STUCKEY, esq. called in, and examined.

In what branch of trade are you concerned?—I am concerned in three country banks, viz. Bristol, Bridgewater, and Langport, all in the county of Somerset.

Do all those banks issue notes?—Yes.

State to the Committee the nature of their circulation.—Their circulation of course is chiefly confined to the neighbourhood from whence they are issued;

but we conceive they have a more extensive circulation than many other banks, because every note, of whatever value, is made payable in London as well as at the place from whence it is issued.

Has the amount of the circulation of those banks much increased in late years?—We have only opened the Bristol Bank about three years; from that period, till within these six months, the circulation has been increasing; now it is almost stationary. The Langport bank has been opened nearly forty years, the circulation of that has considerably increased within these last seven years. The Bridgewater bank has been opened about seven years, and the circulation of that continued increasing for the first six years.

It therefore appears that the circulation of those banks has considerably increased of late years; has it been within your own observation that other banks in the same district have increased in their circulation in the same proportion?—We know but little of the increase of circulation of other banks, and we conceive ours in a considerable degree to have arisen from an increased credit and the liberality with which we have treated our customers.

Do you think that the increased circulation of your notes has tended to diminish the circulation of other paper in their vicinity, or do you not think that other banks have also added to the amount of theirs?—It is very probable that other banks have added to the amount of their circulation; but we conceive ours to have arisen, and to continue, for the reasons I have before stated.

Have you the means of knowing whether there has been any material increase in the number of banks in the west of England, and the amount of the circulation of the paper of country banks in that district during these few years last past?—There is no doubt but a very considerable increase has taken place in the number of banks, I cannot speak so positively as to their circulation; but although many banks have been opened in our immediate neighbourhood, we have not found our own circulation decreased.

Is it the practice of the banks in your district to issue notes upon real security upon mortgage?—We are not fond of lending upon mortgage, and seldom do it; we generally issue our notes by discounting good bills, or by lending cash for a short period to agriculturists upon their own security, or the best that under all circumstances we might think proper.

Do country banks find it necessary to keep a deposit of Bank of England notes in proportion to the issues of their own paper, and to the probable demands which may be made upon them for the payment of that paper?—We have hitherto kept but a small quantity of Bank of England notes, but a large proportion of guineas.

Have you lately found any material increased demand for guineas?—At Bristol we have found an increased demand, but very little increased at Bridgewater or Langport.

Do guineas to any great extent circuculate in the west of England?—I should imagine not to any considerable extent.

Do you know whether Bank of England notes circulated in the country have increased or diminished since 1797?—I have no means of ascertaining that fact; but the circulation of Bank of England notes is very small, the people in the country generally preferring the notes of country bankers, whom they conceive to be men of responsibility in the country.

Is it not your interest as a banker, to check the circulation of Bank of England notes, and with that view do you not remit to London such Bank of England notes as you may receive beyond the amount which you may think it prudent to keep as a deposit in your coffers?—Unquestionably.

You have stated, that you have a considerable deposit of guineas; would you give guineas in exchange for your own notes to any stranger who might require them?—We should not give them guineas for the whole of the notes, but we certainly should give them some, and at this present time.

Do you at present receive in the currency of your trade many payments in guineas?—At Bristol very few, at Bridgewater and Langport we frequently receive them.

What is the principle by which you regulate the issue of your notes?—We always keep assets enough in London, consisting of stock, exchequer bills and other convertible property, sufficient to pay the whole of our notes in circulation.

Supposing that the amount of the notes of the Bank of England were to be materially diminished, is it your opinion that the notes of country banks would take their place?—As a matter of opinion, I should imagine that in those parts of England where Bank of England notes circulate, if they were to be withdrawn their places would be immediately filled up by the notes of country banks; and I would illustrate this opinion by the example of the county of Lancaster, where the notes of the Bank of England are the chief circulation for small payments.

Has it been a subject upon which you have formed any opinion, how the circulation of paper generally throughout the kingdom has affected the nominal price of commodities?—I have always paid some attention to the subject, and lately particular attention, and it does appear to me that the increase of paper circulation has tended to increase the price of commodities; but I think that increase to have arisen chiefly from the increase of the circulation of Bank of England paper.

What different effects, in your view of the case, arise from the paper of the Bank of England and country banks?—I think the Bank of England have been the means of giving facilities to circulation, which not have been done by country banks to the extent it has been done by the Bank of England.

Is it your opinion that a country bank regulates its issues in proportion to its deposits of Bank of England notes or specie?—We regulate ours by the assets we have in London (as I have before stated) to pay them, without much reference to the quantity of Bank of England notes or specie which we have, although we always keep a quantity of both of the latter in our coffers to pay occasional demands made in the country.

Is it your opinion that country banks generally keep any great proportion of their funds, whether consisting of Bank of England notes or specie, in the country?—I cannot speak positively as to the practice of others, I can only speak as to our own.

April 9, 1810.

Henry Thornton, esq. in the Chair.

John Henton Tritton, esq. a Partner in the Banking-House of Barclay & Co. called in and examined.

Can you state the number of country banks in 1797, and at subsequent periods?—It appears from the evidence of Mr. Ellison, before the Committee of Secrecy in 1797, that there were then 230; in the year 1808, I observe there were something more than 600, and it seems by the list lately published that there are now 721.

Can you state whether many of those are different branches of the same principal bank?—I am not able to distinguish, but I apprehend it in a degree to be the case.

Have you any means of judging of the amount of their circulation?—I can only conjecture, as I have not any means of judging of the amount of their circulation, but it is probably not an unreasonble supposition that it may amount to as much as twenty millions.

On what do you found that conjecture?—Estimating the circulation of each at the average amount of about 30,900*l.* the total would be what I have stated; I am aware, however, that there are several country banks which issue no notes, but many issue considerably more than that sum.

Do you include Scotland in your estimate?—Yes, I do.

Can you guess what proportion of their paper may consist in one and two pound notes?—I am not able to form an opinion on that subject.

Or under five pounds?—I am not able to form an opinion as to the proportion.

Do they not issue an increasing quantity of optional notes, that is, of notes payable either in London or in the country?—I have no doubt they do.

Do you conceive that the quantity of Bank of England notes circulating in the country has been diminished, through the increase of country bank paper?—I concieve it has.

Do you think the stock of Bank of England notes, kept by country bankers, is somewhat diminished?—I have not the knowledge of it. I should imagine that it was so, but it is only conjecture.

Can you state whether the new country banks are as respectable a class of people as the old ones?—I should consider that several of those which have lately been established consist of respectable persons.

Have there been many failures among them?—I do not think there have been many, there have been some.

Do you conceive that the quantity of bank of England notes held by London bankers, in order to effect their payments, has increased in the same degree with the amount of their payments during the last few years?—It would appear to me probable, that the quantity of bank notes held by the bankers was greater than formerly, but that it was less in proportion to the quantity of business done.

Do you conceive that the number of traders in London who employ bankers, has much increased?—I should think that it was increased, and that rather considerably.

Do you mean that there are fewer private individuals, both traders and others, who keep any quantity of Bank of England notes at home?—I presume there are fewer who keep considerable sums at home.

Do you apprehend then that the quantity of Bank of England notes employed in the metropolis by other persons than bankers is much reduced?—I should think that the quantity is not less, because of the greater diffusion of wealth generally, and the diminished circulation of specie.

Have there many country banks been lately established in the neighbourhood of London, where Bank of England notes antecedently circulated?—I consider that to be the case; that there are additional banks established in the vicinity of London is a fact, and I imagine that Bank of England notes have heretofore circulated there, but that those of the banks so established are now substituted for them.

Are not guineas much more seldom received in payment lately than they have been heretofore?—Certainly.

Are there not several country banks which keep accounts at your house?—Yes, there are.

Are their transactions in general much increased within these few years?—I think they are considerably.

Are the notes they issue, which come under your observation, particularly optional notes, of much greater amount than a few years ago?—Yes, they are.

Is it not the practice of the country banks to remit you bills and to draw against them?—Yes, it is.

Are not such bills many of them bills which have been sent from other parts to discount?—Many bills which are remitted to us are such as I believe have been sent to them from other parts for that purpose.

Are any such bills drawn in London upon another house in London?—I have no doubt of it.

Are you of opinion that the issues of country notes render the facility of obtaining currency so easy, as to induce persons to borrow them for the purposes of various speculations?—I am not prepared to give an answer to that question, but persons with whom I am connected endeavour to take such paper only as is founded on real mercantile transactions.

If those issues of notes were less, are you of opinion that it would tend to lower the price of commodities?—I think such effect is to be expected.

Could the country banks issue as much paper as they now do, if they were liable to be called upon to pay in gold as before the restriction?—I think they certainly could not.

Will you state the grounds on which you think they could not?—I think there would not be a possibility of obtaining gold to answer the demands to which they would be subject.

Supposing the Bank to be open, would they not obtain gold from the Bank in whatever degree they had occasion for it?—Certainly they would.

Would they have any greater difficulty in obtaining gold than they now have of obtaining Bank of England notes, supposing a run to be made upon them?—I apprehend there would be no other than the increased difficulty of carriage, and the expence attending it.

Would they not be more liable to a run, inasmuch as persons holding their notes, in case of an alarm, would be more eager to exchange those notes for gold than they now are to exchange them for notes of the Bank of England?—I have no doubt that effect would take place.

Supposing no alarm to take place, do you not conceive that any excess in the quantity of country bank notes which may be pushed into circulation, is now removed by an application of the holders to exchange those notes for Bank of England notes or bills on London, in the same manner as a similar excess would be prevented by a demand for guineas or for bills on London, in the event of there being no suspension of cash payments?—I incline to think that is not so restrained, I conceive that there is country bank paper in circulation to a larger amount then there would be if payments were made in gold; I mean, for example, that if twenty million of country bank paper is now issued, and that gold went into circulation, a less sum in gold and in notes than the amount of the whole paper now in use would be found sufficient.

What inducement has the holder of a country bank note to exchange that country bank note in his possession for a Bank of England note?—I conceive that he has no inducement except want of confidence in the country bank, unless he may have occasion to make a payment at a distance where the notes of the bank in question are not negotiable.

The Bank restriction now existing, if the notes of the Bank of England were reduced one half in amount, how would it affect the country banks?—I do not feel prepared fully to answer that, but it is to be inferred, I believe, that they would feel a necessity to abridge their issues.

Do you know if the Bank of England notes have increased or diminished in the country considerably since the restriction?—I do not know that sufficiently well to answer the question; but I conceive that inasmuch as the same regard is not paid to the effect which an increased quantity may have on the public welfare, in the issues of private paper, it is so far at least susceptible of more inconvenience than is likely to result from those of the Bank of England, particularly as in all cases the same regard may not be had to the facility of converting into money the securities on which it has been issued.

What different effects, in your view of the case, arise from the paper of the Bank of England and the country banks?—I do not feel competent to give an immediate answer to so extensive a question.

Supposing that the amount of the notes of the Bank of England was to be materially diminished, is it your opinion that the notes of the country banks would take their place?—I presume not.

Supposing the issues of the Bank of England to be diminished one half, what effect would that produce upon the general confidence and credit of the country?—It would be very injurious; and it would be very difficult, if not impossible, to conduct the affairs of the metropolis, if the large notes were to be diminished in that proportion.

Would that effect take place, supposing the diminished quantity of Bank notes were supplied by a corresponding quantity of gold?—I do suppose in a very considerable degree it would, because the large payments in business have not heretofore been made in gold.

Supposing the circulation of the country, whether consisting of paper or of gold, to be very materially diminished, in a greater proportion even than has been stated in the former question, would not individuals concerned in trade find out some other method of carrying on their interchange, so as to remedy the inconvenience that would result from such a diminution of circulation?—It is a question which I have not contemplated.

Jeremiah Harman, Esq. Director of the Bank of England, and General Merchant, called in, and examined.

Please to state what you conceive to be the principle by which the Bank of England regulates the extent of its issues; do you conceive it to be their practice, for example, to discount bills to the extent to which they are required, supposing the bills to be good, and to appear to be for real transactions, and the party applying to make application for no more than a reasonable amount, or do you take at all into consideration the state of the exchanges, and in any degree diminish the total amount of discounts afforded, and consequently also the paper issues when the exchanges are particularly unfavourable?—One of the first objects we have in view is the solidity of the paper brought in, and although we have no precise limit, we constantly keep in view the aggregate amount, as well as the amount of every individual account. With regard to the other part of the question, though the state of the exchanges is constantly watched, the amount of our discounts is not regulated with any reference to that circumstance.

In saying that you have an eye to the total amount of the discounts, do you not mean that you have an eye to the total amount of the paper in circulation?—Certainly, the paper in circulation under the different heads.

Do you not mean then that you endeavour to keep the total amount of paper at nearly its accustomed standard, allowing for particular variations at the periods of the dividends?—The calls for paper necessarily vary periodically.

Do you conceive that the diminution of the paper of the Bank would, either immediately or remotely, tend to an improvement of the exchange?—None whatever.

Was it not the practice of the Bank, antecedently to the restriction of the cash payments, to lessen in some degree the amount of its issues, when a material demand for guineas was made upon it?—It has been occasionally, and at one period in particular, according to my view of the subject, it accelerated very much the mischief which ensued.

Was not the case in which that mischief resulted, the case of a run made upon the Bank for guineas, in consequence of an alarm in the country, the exchanges not being then unfavourable?—Certainly, at the time to which I allude there was a very great alarm in the country, and the exchanges were above par.

Do you do not mean then that the diminution of discounts increased that alarm?—The diminution of discounts, and consequently of Bank notes, increased that alarm, and I think consequently increased the run.

Supposing a demand to be made upon the Bank for guineas in consequence of the high price of bullion and an unfavourable exchange, there being nevertheless no alarm in the country, do you conceive that a limitation of the Bank paper would in like manner increase the drain?—I think, in as much as it would occasion distress in the public, it would probably have that effect.

Supposing the Bank to be now paying in cash, and the exchanges as well as the price of bullion to be as they now are, and consequently a drain upon the Bank for guineas to take place, would it be your opinion that the Bank ought to diminish its paper or not?—I am decidedly of opinion that it would and ought to make the Bank very cautious.

Do you not mean by caution, that it ought in some degree to restrain its paper, and that such restriction of the paper might tend to lessen the drain?—That must depend very much upon circumstances.

Supposing the Parliament to enact that the Bank of England should again pay in gold at a distant period, say one, two, or three years, would it be your opinion that the Bank ought to resort to the measure of restraining its issues, as a means of preparing itself to meet that event, supposing the exchanges and the price of bullion to continue as they now are?—I conceive that they must necessarily, if the exchanges were to continue as they now are, which, however, I deem barely within possibility.

Do you not conceive that an augmentation of the quantity of Bank of England notes tends to increase the price of commodities, and a diminution of their quantity to reduce it?—An augmentation of the paper currency generally perhaps may, but, as far as I have been able to consider the subject, not so greatly as is generally supposed; I see very few symptoms of it.

Do you not apprehend that there is a disposition in persons keeping accounts at the Bank, to apply for a larger extent of discount than it is on the whole expedient for the Bank to grant?—Very many do, and we treat them accordingly.

Do you not think that the sum total applied for, even though the accommodation afforded should be on the security of good bills to safe persons, might be such as to produce some excess in the quantity of the Bank issues if fully complied with?—I think if we discount only for solid persons, and such paper as is for real *bonâ fide* transactions, we cannot materially err.

Supposing you were to afford your accommodation at four per cent. instead of five per cent. interest, the current interest being five per cent. would there not be danger of excess?—Perhaps so.

Does it not then follow, that, provided money is now worth something more than five per cent. and being in general difficult to be procured at that rate, you may fall into some excess by granting it at five per cent. on the principle which you have stated?—I think not, because we should discover the superabundance very soon.

What should you consider the test of that superabundance?—Money being more plentiful in the market.

What do you consider to be the causes of the unfavourable state of the exchanges with Europe and the high price of bullion during the last 12 or 15 months, upon the best view that you have been able to give to that subject?—I must suppose that the balance of payments has been materially against this country, and I have moreover understood that very high prices have been paid for gold on the continent for particular purposes.

Do you merely infer this to be the case from the state of the exchanges, or do you happen to know the fact from any documents?—I know generally that our imports have been much larger than usual, and that we have had to pay large sums to foreign countries for the maintenance of our own troops, and for various other services.

Supposing the exchange to continue long and greatly unfavourable, should you not be disposed to refer this circumstance in some measure to an excess of paper currency, or should you assume that the balance of trade had continued during that long period unfavourable?—I must very materially alter my opinions, before I can suppose that the exchanges will be influenced by any modifications of our paper currency.

Have you ever known the exchange to fall to 12 or 15 per cent. in any part of Europe, in which it was computed in coin containing a fixed quantity of gold or silver, or in paper or Bank money exchanged at a fixed agio, either for such gold or silver coin, or for gold or silver bullion of a definite amount?—I really cannot from recollection answer that question.

In what degree do you conceive the exchange to have been lately against this country?—When at the lowest it was full 17 per cent. below par.

What is it now?—I think about 10 per cent.

Could the exchange have been so unfavourable as it has been for the last 12 or 15 months, supposing the Bank to have been paying in cash?—If there had been more gold in the country, that would of course in so far and no further have lessened the effect, by furnishing a means of remittance which would lessen the unfavourable balance.

If the quantity of gold now locked up was brought into circulation, would it not in such degree have tended to have benefited the exchange?—If it was remitted, it naturally would have that effect.

April 16, 1810.

FRANCIS HORNER, Esq. in the Chair.

WILLIAM IRVING, Esq. Inspector General of Exports and Imports, again called in, and examined.

[Mr. Irving delivered in "An Account, shewing the Total Balance of Trade in favour of or against Great Britain, in her Commerce with all Parts of the World, during the last Five Years."]

In what manner have you calculated the actual value of imports into this country, in the paper you have now delivered in?—I consider the Account objectionable in some respects. The values are calculated at the prices in this market, of course the imports include the mercantile profits and the freights inwards; the exports are exclusive of the freights outwards, consequently the actual balance in favour of Great Britain will be much more considerable than appears upon the face of the Account. The correct principle would be to estimate the imports at the first cost of the goods in the foreign country, adding thereto, the freights in foreign vessels, and the exports according to the real value at the port of exportation, adding the freights in British vessels as so much additional value on the goods, to be paid for by the foreign consumers. I have no means of ascertaining those particulars.

Can you state the difference between the official value of imports, as given in your other Account, and the actual value of imports as now given?—It is in the proportion of the sum of 59,851,352*l.* real value, to the amount of imports as stated in my annual account of official value.

It appears, by the account now delivered in, that the average balance of trade in favour of Great Britain, during the last five years, has been something more than nine millions per annum; how do you account for the existence of so large a balance of trade during so many successive years, and to what purposes do you consider this balance to have been applicable?—I consider that either bullion has been imported towards defraying the balance, or that a debt has been created from foreign countries to this country, or partly both, to the amount of the balance, except so far as the balance may have been cancelled by means of the foreign expenditure of Government. The maintenance of British troops abroad, and loans to foreign powers, must, as I consider, diminish the favourable balance.

Have you any information of the amount of bullion that may have been imported into this country within the last five years?—I have none; but I apprehend an account might be procured of the receipts and issues of foreign coin and bullion at the Bank of England, which might afford the Committee a tolerably correct idea of the quantity retained in the country.

In your opinion has there been more bullion exported or imported?—I believe there has been an increase in the imports; but I cannot speak as to the amount retained in Great Britain.

In the last six months of the last year 1809, do you think there was an excess of imports or exports of bullion?—I should be speaking without data, having no knowledge of the quantity imported. Some bullion has been imported from Spain which has been since drawn for, and appears as an export from this country to Spain, in the account of bullion exported delivered in by me to the Committee.

Can you state nearly the amount of bullion which has been so re-exported?—I have no official knowledge of the amount.

You have intimated an opinion, that the state of trade in the last five years must have brought bullion into this country; in what manner do you conceive that to have been effected?—It has been in consequence of the great extension of our commercial intercourse with the foreign colonies on the continent of America, direct as well as circuitously, through the medium of the British free ports in the West Indies.

Must not the balance of trade between Ireland and all foreign countries, be added to the balance of England, in order to afford a just view of the total amount of the fund, which is applicable to the purpose of supplying the means of discharging the expences of government in the support of our foreign military and naval establishments?—The favourable balance on the Irish trade with foreign countries, ought unquestionably to be added to the favourable balance of this country.

Do you know what the balance is?—I have no knowledge of the amount of the Irish favourable balance with foreign countries.

In the account just delivered in, you have specified three articles, which are deducted from the value of the imports, namely, first the amount of fisheries, secondly the surplus of imports from British colonies, and thirdly the surplus of imports from British India, amounting together to about eight or nine millions in each year; can you state the amount of each of those three several articles?—The average amount of each of these heads, is as follows, viz.

1st. Fisheries	£.1,253,000
2d. Surplus of Imports from British Colonies and Plantations	3,120,000
3d. British India	4,217,000
	£.8,590,000

In calculating the real value of imports, have you estimated every article of which those imports are composed, according to the prices current of this country?—Yes, I have on an average of several years.

Of how many articles did they consist?—Perhaps from 1,000 to 1,200.

Supposing the same article to be of various qualities, how did you estimate the average value of the whole article?—By consulting with some of the principal importers as to the probable relative quantity of each sort.

Are you confident that your calculation has been a pretty accurate one?—I believe it to be accurate.

Has the account been carefully checked in the office?—The accuracy of the account there can be no doubt of so far as respects calculations, it being a document prepared and regularly proceeding from my office; but I cannot answer for the accuracy of the prices quoted in the price currents.

April 18, 1810.

Francis Horner, esq. in the Chair.

Mr. John Humble, called in, and examined.

Is there not an office called the Bullion Office, in the Bank?—There is.

Are you the clerk in that office?—Yes.

What is the business of that office?—The business of the office is divided into two branches, and is to be considered under two heads; the first is for the purpose of weighing and ascertaining the value of the bullion in which the Bank is concerned; the other, in which individuals only are concerned.

What do you mean by ascertaining the value?—By weighing, calculating the fineness according to the Assayer's reports, and casting up the value according to the prices.

Where do you get the prices?—From the brokers reports made to the office, either on account of the Bank or of individuals.

Does the broker give you a general price, or the price of every transaction?—The price of every transaction.

What form of accounts do you keep in the office?—Every transaction which is done for the Bank is daily reported to the cashiers, passes through the Bank books and into the Bank balances; the weight and fineness, price and value is entered in the Bank books; it is daily reported to the cashiers, and passes consequently into the Bank balances. I speak now merely of the transactions which are made for the Bank only; the transactions between individual merchants are not entered in the Bank books at all, but merely entered in waste or memorandum books, Do you, for the Bank, keep an account of the bullion issued from the Bank, as well as that received?—Yes, the bullion certainly, both gold and silver, but not the current coin.

Then would your accounts shew for any one year, the total value of bullion purchased by the Bank and issued by the Bank?—Certainly, by the Bank only, but not by individuals.

How came this office at the Bank to have any cognizance of bullion transactions between individuals?—It has been so long established that I cannot answer that question with certainty; it has been established upwards of 100 years. I understand it to have been instituted merely for the purpose of accommodation and safety between merchant and merchant, as a place of deposit; it used formerly to be called the Warehouse, it is only of late years that it has been called the Bullion Office.

Do you keep any account of those transactions which pass between individuals?—Only memorandums in a waste-book. The bullion is deposited generally by ship-masters, and lies in that office for the owners to whom it is consigned; we keep separate books for entering those deposits, one of which we call the Packet Book, and the other the Man-of-war Book, and in those books we enter what may be called a manifest, of the deposit, the name of the ship-master and the consignee, the name of the vessel by which the importation has been made, the number of packages and what those packages are said to contain, for we receive them only as packages. When a sale takes place, that is transacted by the broker between the seller and buyer, he giving a contract to each; the parties come to the office, and in their presence the package is opened, the bullion weighed, we deliver the quantity sold to the buyer, and receive from him the price, which we deliver over to the seller: in a waste book we make a memorandum of what has thus passed. We keep only a waste book, and do not transfer these memorandums to any more regular account, because the whole transaction passes as between the parties, who keep their own accounts, we being merely an umpire between them. The whole of this is done by the Bank gratuitously. There is no report made to the Bank, of these deposits or sales.

What establishment of clerks is there in the Bullion office?—A principal and deputy and an assistant.

From your situation, do you know any thing of those sales which are made for exportation?—With respect to bar gold we do know, because the certificate of an oath before the court of aldermen accompanies the bars from our office as a permit.

Is there more than one broker?—Only one house, there are several partners in the firm, the house of Mocatta and Goldsmid.

Have they, in your opinion, any power of controul over the prices?—None in the world, I believe.

Then the price is fixed entirely between the seller and the buyer?—I cannot take upon myself to say in what manner the prices are fixed, because I have nothing to do with that.

Does the Bank at any time purchase bullion without the intervention of a broker?—Very seldom.

Can you assign any reason to the Committee, why, in so extensive a commodity as bullion, there should be only one broker employed?—I cannot.

Would not any other broker be permitted to act as broker, with respect to bullion deposited in your office?—Not without orders from the court of directors, upon application.

Have any such transactions ever taken place?—Never, to my knowledge.

Are you acquainted whether Messrs. Mocatta and Goldsmid at any time deal in bullion for their own account?—I believe never, I am confident they never do.

Can you state to the Committee the quantity, or nearly the quantity, of gold bullion imported, that has been deposited in your office in the course of the last year?—I have no conception of it.

Have you any accounts that will shew it?—We can ascertain from our books the quantity said to be brought by the ships in the last year, but that might mislead the Committee, if they take that as the amount of what had actually been imported, because there is a great deal imported which does not come to our office.

Would not your books, in the same manner, enable you to state how much gold bullion has been delivered out from your office for exportation in the last year?—We could ascertain it with respect to the bar gold, but with respect to the foreign gold coin only by conjecture; there is a great deal of bar gold exported, which does not come to us.

Could you not state from your books also the amount of sales of gold of all sorts for the last year?—Probably we might.

May 22, 1810.

HENRY THORNTON, esq. in the Chair,

THOMAS RICHARDSON, esq. again called in, and examined.

Have you the means of knowing whether the bankers in London use any greater economy than formerly in respect to the quantity of notes kept in their possession?—Yes; I should guess that they do not keep so much by one-eighth as they did eight years ago, in proportion to the amount of payments made.

To what cause do you ascribe that diminution?—To the more ready method in which they can borrow bank notes for the day, through the means of brokers.

Is it your practice to be an intermediate person for these purposes?—Very frequently; not unfrequently to the amount of 20 or 30,000*l.* a day.

Has that practice increased?—No doubt of it, very considerably.

Are there any other causes to which you can ascribe the use of the very diminished quantity of notes?—There are a great many more bills in circulation than formerly, so that a banker can at all times take a bill or bills to suit his purposes.

What you mean, is, he can thus get rid of any superfluity of cash at a short notice?—Yes.

Do you know of any alteration in the hour at which the Bank now takes from the bankers the sum daily due to them on the ground of Bank charge?—Yes, at four o'clock.

At what hour were they used to take it some years ago?—As soon after nine as they could agree upon the sum.

Is it not one consequence of that change, that the banker is able to pay the Bank in a great measure by the medium of drafts upon the Bank, which have been paid in by his customers for bills discounted by them on the same day, instead of paying the Bank in Bank of England notes?—It certainly is a very great saving in the use of notes to the banker.

How long has this change taken place?—I do not think more than four or five years.

Do you not conceive that the increased amount of bills discounted by the Bank for the mercantile world, has afforded increased means to the bankers of obtaining a supply of notes at short notice, through the medium of the bills sent to the Bank to be discounted by their customers?—Yes.

Is it not now the practice at the Bank to give money for navy bills on all days in the week, instead of discounting them only as heretofore on the Thursday?—Yes, they are taken every day.

Do you think that, from the transactions which you carry on with bankers in London, they are enabled to lend a larger proportion of their deposits than formerly?—Yes.

Why?—Because from our general intercourse with them, we can borrow of one to pay the other at an hour's notice.

Do you not conceive, that it is a more general custom for tradesmen and individuals to keep bankers now than some few years ago?—Yes.

Would it not naturally result from that, that in general fewer persons keep an amount of notes by them than heretofore?—I think people keep a smaller amount at home than formerly, but perhaps the notes may not be less, as having no cash they must keep notes for their daily traffic, though formerly they used to have guineas.

Is any other mode of payment than Bank of England notes and specie accepted of in London?—Drafts upon bankers.

In consequence of the ready means of providing notes for all persons holding the undeniable securities necessary, do you think 10 millions of bank notes will keep afloat the same quantity of business as 15 millions would have done 10 years ago?—Not quite so much perhaps ten years ago.

Are you sufficiently acquainted with the banking business to state the mode of their making their daily payments?—If a person has a sum of money at his banker's, he draws his drafts, and of course receives the notes at any moment he pleases; but if in the course of the day he has, for instance, 10,000*l.* to pay, with perhaps only 1,000*l.* at his banker's, he pays in the drafts he receives that day from others, to make up the sum he requires, for which he also draws; which drafts the bankers do not usually pay the bank notes upon, but take them to the clearing house at four o'clock, when each banker settles the difference between him and each other banker, and the balance is uniformly paid that evening in bank notes.

How is the practice of settling with the bankers at the west end of the town?—The clerks of the city bankers, and the bankers, at the west end of the town, bring their demands mutually upon each other, which are always discharged on both sides in bank notes.

How many bankers are there that clear their drafts at the clearing house?—Forty five.

Has the number much increased of late years?—Only increased three in the last ten years.

Can you tell the average amount, or near it, of the transactions of one day at the clearing house?—No, but from the best conjecture, which must be a vague one, about 5 millions, reckoning both received and paid.

When was the system of the clearing house first established?—About 35 years ago.

You know the present number of country banks?—About 720 or 730.

How many were there in 1796, 1800, 1805, and 1808?—I cannot tell, but in the last two years they have increased about a hundred.

Have you any data to enable you to guess the amount of promissory notes in circulation by the country bankers?—No, but I have heard it calculated at thirty millions.

Can you inform the Committee if any one house circulates 100,000*l.* of one and two pound notes?—I should think not, I think that I have heard of as much as 70,000*l.*

Do you know whether any manufacturers issue their notes in payment to their labourers?—Some do, only a few of those are made payable in London.

Has it not been a custom for young men of inconsiderable property to buy goods for manufacturers at unusually long credits, for the purposes of carrying to Saint Domingo or South America upon speculation, and for which they give in payment bills at from twelve to eighteen months date?—It is the custom.

How do persons receiving those bills contrive to convert them into money for the purposes of their own trade?—By lodging them with good houses, and drawing other bills against them at two or three months, and renewing them when they become due, and so on till the payment is fulfilled.

Does not the public money paid in by the taxgatherers previous to the dividends, create for the time a considerable scarcity of notes?—Yes, there is a period prior to the dividends, in which large sums of money are paid to the Bank from the taxgatherers, which at such time occasions great scarcity, and is an inconvenience to the trade.

Can you form any idea what would be the consequence of reducing the amount of the circulating paper in the country by refusing to discount so largely as at present?—A more steady and regular price of all commodities, with more confidence in all money transactions.

Are you not of opinion that the Bank of England notes are at present more confined to the circulation of the metropolis and its neighbourhood, than they were a few years ago?—They are very much so, from the country bankers substituting their own.

May 25, 1810.

FRANCIS HORNER, Esq. in the Chair.

CHARLES GRANT, Esq. (a Member of the House) examined.

Can you inform the Committee, of the state of the exchange between this Country and India for some time past?—The East India Company have drawn no bills upon India for many years past, but they are continually drawn upon from India; the rates of exchange of the bills drawn upon from India and China are pretty much fixed in consequence of particular regulations; those regulations with respect to India have arisen from the conditions on which money has been borrowed for the public there, optionally payable in England, at certain fixed rates of exchange; those rates of exchange are for the sicca rupee, generally from 2*s.* 6*d.* to 2*s.* 4*d.* per sicca rupee, according to the term of payment; from Fort St. George the exchange is upon the pagoda, which is a gold coin, from 7*s.* 8*d.* to 8*s.* 6*d.* according to the term of payment; from Bombay the exchange has been for the Bombay rupee, for a series of years past, at 2*s.* 6*d.*; from China the exchange has been usually at the rate of 5*s.* 6*d.* the Spanish dollar.

Are those the present rates?—Yes, the Account I have spoken from comprehends a period of ten years, up to the year 1808-9.

Has there been no variation in the exchange for some years past?—Not in bills drawn upon the Company, any further than I have already mentioned.

Can you state whether there has been a variation on the part of drawers and remitters not bound by the regulations you have spoken of?—I have information upon that point from two of the principal houses in London acting as agents for merchants resident in India: I find from one of those houses, that from the year 1800 to 1804 they passed their bills on London at 2*s.* 6*d.* per sicca rupee at six months sight, and 2*s.* 3*d.* at three months sight; but from 1804 to 1809 their bills were pretty uniformly granted at 2*s.* 7*d.* at twelve months date; and from the beginning of last year, that is, from the beginning of 1809, they reduced their exchange to 2*s.* 6*d.* and in some instances to 2*s.* 5*d.* per sicca rupee. Another eminent house has informed me, that from the year 1800 to 1807 inclusive, they were drawn upon from Bengal at six months sight, at 2*s.* 6*d.* the sicca rupee, in 1808 they were drawn upon at 2*s.* 7*d.* the sicca rupee, and in 1809 at 2*s.* 6*d.* all at the same sight.

Can you state the reasons of this variation in the exchange?—I understand that these houses in India draw upon London for greater or less sums, according to the exports of goods from India; and the exports having diminished in the two last years, which produced a diminished demand upon them for bills, they in consequence lowered the exchange: and the reason why one house drew at 2*s.* 8*d.* when the other drew at 2*s.* 7*d.* I understand to have arisen from the former of those houses having a much larger concern in the way of consigning goods, and drawing bills in consequence.

Can you state the comparative quantity of silver or bullion which has gone to India for some years past?—I am informed by one of the houses already mentioned, that in the years 1803, 4, and 5, when there was little produce to remit back to India, the exchange was so low as 1*s.* 9*d.* the current rupee, or 2*s.* the sicca rupee; and according as the private trade increased, it rose to 2*s.* 5*d.* and in some instances to 2*s.* 6*d.* when the price of bullion was high: within these few months it has been as low as 2*s.* 1*d.* and 2*s.* 2*d.*; the present rate is from 2*s.* 2½*d.* to 2*s.* 3½*d.*; but there are very few inclined to draw under 2*s.* 4*d.* From the other house I have the following table of the rates of exchange for bills from London upon Calcutta: 1800, bills at 60 days sight, 1*s.* 11*d.* at 2*s.* the current rupee; 1801 and 2, two shillings to 2*s.* 1*d.*; 1803 and 4, 2*s.*: 1805, 6, 7, 8 and 9, 1*s.* 11*d.* to 2*s.*

Can you state the amount of bullion exported from London to India, and China, for some years past, and also the amount of bullion imported into India from all parts?—I will send the Committee the Accounts.

Has the quantity of silver contained in the sicca rupee remained the same during the years you have mentioned, in quantity and fineness?—Yes, in the sicca rupee of which I have spoken; but there has been no variation of the standard of any of our Indian coins of late years.

Can you state the quantity and fineness of the silver in those coins compared with our standards here; and also what the sicca rupee, coined from bullion sent from England, costs in English money?—I will lay before the Committee the Accounts which state those particulars.

Can you state the relative value of gold and silver in India, whether it has undergone any change within the years you have mentioned?—I believe it has undergone no change within the years I have mentioned; in China the relative value of gold and silver was as late as the year 1730, about 10 to 1; but now it is about 16 to 1. I apprehend the change took place many years ago, from the continual accumulation of silver in China, and probably an increased demand, and a diminished supply of gold.

What do you conceive to be the relative quantity of gold and silver in circulation in India and China?—In China, I believe, there are neither gold nor silver coins; but I understand silver to be the great medium of all transactions there. In India silver coin is also the great medium of circulation. I do not understand that gold is a legal tender any where, except upon the Coast of Coromandel, in pagodas, and in a very limited way in gold mohurs at the principal British settlements.

Have the relative quantity of the pagoda and the sicca rupee sensibly altered within modern times?—The proportion between the star pagoda and the Arcot rupee is, according to the Account I have already referred to, 13.872 of silver to one of gold, but in exchange there are now about 3 Arcot rupees and an half given for a pagoda; this exchange is generally between the Coast of Coromandel and Bengal.

Has the exchange varied much as calculated between the rupee and the pagoda of late years?—Yes, it is rather fallen, that is, less has been given for the pagoda than for Arcot rupees.

Has the intrinsic value of the pagoda varied at all?—No, neither the pagoda nor the rupee.

Can you state the quantity of coin issued from the Mints of Calcutta and Madras, in any given period?—I will furnish the Committee with an account of it.

What is the expence of sending silver from hence to India?—Including charges of shipping, interest, insurance and the expence of coining in the Indian Mint, the sicca rupee has cost the Company 2*s.* 6*d.* and 837 decimals, of which the charge has amounted to 2,941; making about 10 per cent.

What is the price you have paid for dollars, in London, for a series of past years?

[Mr. Grant delivered in two papers.]

Have you any idea of the quantity of silver circulated in India?—I find, by a record of about the year 1750, before we possessed Bengal, when that country was supposed to be in a flourishing state, that very year, upon the transmission of the tribute paid to the emperor of Delhi, they were left with hardly any circulating medium; and that their calculation, next year, was filled by the bullion which was then annually imported from Europe. In our own time, at that season of the year when the collections of the revenue ran very low, there is likewise generally a scarcity of circulating medium. From these and other circumstances, I conclude with respect to Bengal, and suppose the same may be concluded with respect to the other parts of British India, that the quantity of circulating medium is no more than sufficient for the necessary transactions of the year, and suppose it cannot be estimated beyond the annual amount of the public revenue of all kinds paid to the Company, probably less.

Can you state to the Committee what is the general state of importations of bullion into China?—The Company have ceased of late years to send any bullion there; the chief of the importations from abroad I take to be through the medium of the Americans, and from the Spaniards at Manilla. The Company have ceased to send bullion, because they have increased their export of goods from this country, and their presidencies in India have increased as well as the private traders in India have increased their importations into China, which are available by means of bills of exchange for the provision of that part of their returning investment which their exports of this country do not purchase.

Mr. William Thomas, called in, and examined.

You are Inspector of the Clearing-house in Lombard-street?—Yes.

How many bankers send their clerks there every evening?—46.

Can you form an average of the amount of drafts brought into the house daily with the exception of settling days and India prompts?—About 4,700,000 daily.

Are not those drafts so brought, exchanged with each individual banker for others which may be drawn upon them?—Just so.

Of course they cannot be exactly even, how are the differences paid?—By Bank notes.

What average amount of Bank notes, is sufficient to pay all the balances of this 4,700,000*l.*?—About 220,000*l.* in Bank notes.

Upon particular days as above specified, are not the accounts much greater?—Yes, sometimes to the amount of about 500,000*l.*

And what is the amount upon the whole of those days?—Upon the settling days at the stock exchange the whole amount of the drafts paid would be about 14 millions.

Does it not appear to you, that a little more than one-tenth of bank notes is sufficient to settle the whole amount of the drafts that come through the clearing-house?—Yes.

Has there been any great increase of late years in the Clearing-house?—It is a point that was never enquired into before.

Has the quantity of business done at the Clearing-house been much encreased of late years?—Very considerably.

How long has the system you have described existed?—The present system only about 14 months; the system of clearing has been in existence about 35 years; the 14 months is a new arrangement, but it does not at all alter the amount of bank notes passing.

Has there been any material improvement in the system of late years, so as to reduce the quantity of bank notes necessary for making payments?—Not any.

REPORT FROM THE COMMISSIONERS ON SALEABLE OFFICES IN THE COURTS OF LAW.—*Ordered, by the House of Commons, to be printed, 5th June* 1810.

To the King's Most Excellent Majesty.

REPORT from the Commissioners appointed by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland,—"to make enquiry, and report to his Majesty, what Offices or Appointments, in the several Courts of Chancery, King's Bench, Common Pleas, and Exchequer, are now saleable; and what is the present or average value thereof: and what the amount of the Emoluments derived therefrom, by the persons actually employed in the discharge of the duties thereof, where such duties are not discharged by the principals; and what is the nature and extent of the Duties performed by the several Officers aforesaid; and what regulations and provisions might, with advantage to the Public, be made, respecting the Salaries, Fees, or other Emoluments of such Offices, or Appointments, from the time when the sale of them should be prohibited; regard being had to the dignity of the Officers in whom such right of Sale is now vested, to the proper remuneration of the Persons discharging the functions of such Offices, whether as Principals or Deputies, and to the present Charge upon the Public Revenue for payment of the Salaries to the Judges of the said Courts respectively; and also, any Observations which may occur with reference to any of such Offices or Appointments, whereby it may appear that any inconvenience may be derived to the Public, or the suitors, from taking away the right of Sale of any such Offices or Appointments, either upon the original Appointment, or upon any transfer or assignment of the same; And to report to his Majesty their Proceedings had by virtue of the said Commission, together with such other matters, if any, as may be deserving of his Majesty's royal consideration, concerning the premises."

Your Commissioners, in order to carry the object of the said Commission into effect, appointed Mr. Henry Dealtry to be their Clerk:—And having referred to the 27th Report of the Select Committee of the House of Commons on Finance, dated the 26th of June 1798, in order to learn what Offices or Appointments belong to the several Courts named in the Commission, and in whom, the right of nominating to such Offices or Appointments is vested; and finding therefrom that the nomination to several of such Offices or Appointments belongs to your Majesty, and presuming that these could not be considered as saleable Offices or Appointments, they did not feel themselves authorized to make any further enquiry respecting the same; but they caused requisitions to be sent to the several other persons to whom the nomination to Offices or Appointments in each of the Courts named in the Commission appeared to belong, requiring them to signify to the Commissioners whether they considered any and which of the Offices or Appointments in their disposal to be saleable.

To all these requisitions your Majesty's Commissioners received answers, and in every case where an answer was received, intimating that any Office or Appointment was considered to be saleable, your Majesty's Commissioners required the person holding such Office or Appointment to state to them the nature and extent of the duties of such Office or Appointment, the hours of attendance at the Office, and the holidays kept there; also the gross amount of the Fees or Emoluments of such Office or Appointment for the last 3 years, specifying the deductions or out-payments) (except the Property Tax) and distinguishing what part of such Fees, or Emoluments, had been paid to the person or persons actually employed in the discharge of the duties of the Office, in case such duties had not been discharged by the principal; and the several statements received in consequence of such requisitions have been verified upon oath.

The result of these enquiries has been to satisfy your Majesty's Commissioners, that in the Courts of Chancery and Exchequer there is not any Office or Appointment which can be considered as saleable. The office of Clerk of the Errors in the Exchequer Chamber, upon which your Commissioners will have occasion presently to report, appearing to be an Office which may be more properly classed with the Offices of the Court of Common Pleas, to the Chief Justice of which Court, as the head of the Court of Exchequer Chamber, the nomination to that Office belongs, than with the Offices of the Court of Exchequer, to which it is assigned by the Committee of the House of Commons, in the Report above referred to.

With respect to Offices or Appointments in the Courts of King's Bench and Common Pleas, it appears to your Commissioners that the most perspicuous course will be to state to your Majesty, first, the result of their enquiries, and their observations upon such result with respect of each of those Courts, separately and distinctly.

In the Court of King's Bench, it appears to them that the following persons hold Offices or Appointments which are saleable, and that the right of nomination to such Offices or Appointments is as follows; viz.

The Chief Clerk, the Clerk of the Treasury and Custos Brevium, the Filacer Exigenter and Clerk of the Outlawries, appointed by the Lord Chief Justice.

The Clerk of the Rules on the Plea side, the Clerk of the Papers on the same side, the Clerk of the Declaration, the Clerk of the Common Bails, Estreats, and Posteas, the Clerk of the Dockets, appointed by the Chief Clerk.

The Clerks of the Inner and Outer Treasury, the Clerks of Nisi Prius, the Bagbearer on the Plea side, appointed by the Custos Brevium.

The nature and extent of the duties of the several officers who hold these saleable Offices, the hours of attendance at their Offices, the holidays kept there, and the amount of their Fees and Emoluments, as detailed by themselves, are stated in the Appendix to this Report.

From these Statements it will appear, that the net annual Receipts of the several officers above mentioned, upon an average of three years ending at the period when the accounts were last made up respectively, were as follow;—subject to the deduction of the Property Tax, and to the allowances made to the several Deputies by whom the Duties of some of the Offices were discharged;—viz.

OFFICES executed by DEPUTY:

The Chief Clerk, receipt 6,280*l.* 18*s.* 6*d.*; paid the Deputy 200*l.*

The Custos Brevium, receipt 2,019*l.* 7*s.* 4*d.*; the Deputies are paid by Fees assigned to them.

The Filacer Exigenter and Clerk of the Outlawries, receipt 5,104*l.* 16*s.* 9*d.*; paid the Deputies 567*l.* 5*s.*

The Clerk of the Declarations, receipt 194*l.*; paid the Deputy 120*l.*

The Clerk of the Common Bails, Estreats, and Posteas, receipt 229*l.* 3*s.* 10*d.*; paid the Deputy 100*l.*

The Clerk of the Dockets, receipt 851*l.* 1*s.* 6*d.*; paid the Deputy 290*l.* 7*s.* 2*d.*

The Clerk of Nisi Prius for the Western and Oxford Circuits, receipt 343*l.* 11*s.* 4*d.*; paid the Deputy 79*l.* 0*s.* 10*d.*

Total Receipt 15,022*l.* 19*s.* 3*d.*; paid the Deputies, 1,356*l.* 13*s.*

OFFICES executed in PERSON.

	£.	s.	d.
	£.15,022	19	3
The Clerk of the Rules on the Pleas side	3,383	11	7
Clerk of the Papers on Do.	1,580	—	11
The Clerk of the Inner Treasury	325	15	5
The Clerk of the Outer Treasury	158	19	6
The Clerk of Nisi Prius for London and other Cities	689	1	1
Do. for Northern and Norfolk Circuits	517	10	8
Do. for Home and Midland Circuits............	200	12	8
The Bagbearer	85	10	—
	£. 21,964	1	1

And it appears to your Majesty's Commissioners, that when the sale of Offices in the several Courts of Record at Westminster shall be entirely prohibited, provision may be made towards the payment of the salaries to the Lord Chief Justice and the other Judges of the Court of King's Bench, and that the charge upon the Revenue may be lessened, if the Offices of Chief Clerk, Custos Brevium, Filacer Exigenter and Clerk of the Outlawries, Clerk of the Declarations, Clerk of the Common Bails Estreats and Posteas, Clerk of the Dockets, and Clerk of the Nisi Prius for the Western and Oxford Circuits, as well as the Offices of Clerk of Nisi Prius for the Home and Midland and for the Northern and Norfolk Circuits, and for the London and other cities where assizes are held, were executed in person, inasmuch as if that were done, all the fees now payable might be received by the principal officers, who might be authorized to retain such proportion of them as may be thought proper, regard being had to the dignity of those offices, and to a proper remuneration for discharging the functions of them; and they might be accountable for the residue of such fees.

Looking at the subject in this point of view, your Majesty's Commissioners apprehend that if the Office of Prothonotary or Chief Clerk of the Court of King's Bench were executed in person, there might be no occasion for an assistant to the Secondary or Master on the Plea side of the Court, according to the present establishment, and that if the Office of Custos Brevium were so executed, he might, with the assistance of Clerks to be paid by himself, discharge all the functions of the Clerks of the inner and outer Treasury, and of the Clerks of Nisi Prius, which last-mentioned officers, according to the information they have furnished, are entitled to very considerable fees for supposed transcripts of the Nisi Prius Records from the Plea Rolls, which transcripts are seldom if ever made, the Nisi Prius Records being now always engrossed by the Clerks in Court, or Attornies for the parties, and the Clerks of Nisi Prius doing little more than matters of form.

With respect to the Offices of Clerk of the Rules, and Clerk of the Papers on the Plea side of the said Court, both which Offices are considered as being saleable, it appears to your said Commissioners, that after the sale of them shall be abolished, it may be expedient that those Officers should receive to their own use only a certain proportion of the fees belonging to the said Offices, and should be accountable for the residue, otherwise the abolition of the sale, instead of lessening the charge on the Revenue, would operate to give those Officers as large a remuneration for their services only, as has hitherto been received by them for their services and purchase money together.

And it further appears to your said commissioners, that the offices of Clerk of the Papers, and Clerk of the Declarations, may with advantage to the suitors be executed by the same person; and that the Pleas of the general issue should be entered with him, instead of being entered with the Clerk of the Docquets, and by this arrangement, a greater sum may be applied towards the payment of the salaries of the Lord Chief Justice and the other Judges than could be done if all the officers now employed were to be remunerated.

According to the information your Majesty's Commissioners have received on the examination of the different officers, the net sums annually received by the Chief Clerk, the Custos Brevium, and Filacer Exigenter and Clerk of the Outlawries, and the Officers belonging to them, whose duties are executed by Deputy, on an average of three years ending at the respective periods at which their accounts were made up, were...... £.15,022 19 3

The net Fees received by those who executed the Offices were somewhat less than one-eleventh part of them, being	1,356	13	0
Leaving a balance of Fees received by officers not executing any part of the duties, of......	13,666	6	3
To which, if there be added one-third, for example, of the profits of the Offices of Clerk of the Rules, and Clerk of the Papers, being	1,654	10	10
And three-fourths, for example, of the Offices of the three other Clerks of Nisi Prius, being	1,055	8	3¾
The annual amount of these sums will be	£. 16,376	5	4¾

From which, after there shall have been deducted such sums as, on account of the dignity of their offices, may be thought fit to be allowed to the Principals discharging the functions of them, beyond the amount of the Fees and Salaries which hitherto have either been paid and received by their Deputies, or for which the said Offices might have been executed by Deputy, there probably would remain a sum of from 12 to £.15,000, or upwards, which might be annually applied, in addition to the sums which are now accounted for by various Officers to the Lord Chief Justice and other Judges of the Court of King's Bench, and in diminution of the charge upon the Public Revenue, for payment of salaries of the Chief Justice and Judges of the said Court, subject, however, to increase and diminution, as the business of the Court may vary.

In the Court of Common Pleas, it appears to your Majesty's commissioners, that the following persons hold Offices or Appointments which have been considered as saleable, and that the right of nomination to such Offices or Appointments is as follows:

The first and third Prothonotaries, the Clerk of the King's Silver, the Clerk of the Jurata, the Clerk of the Essoigns, the Clerk of the Warrants Inrolments and Estreats, the Exigenter, the Clerk of the Supersedeas, the Filacers, and the Clerk of the Errors in the Exchequer Chamber, appointed by the Lord Chief Justice.

The second Prothonotary, and the Clerk of the Juries, are appointed by the Lord Chief Justice, on the nomination of the Custos Brevium.

The three Secondaries by the respective Prothonotaries.

The nature and extent of the duties of the several officers who hold these saleable Offices, the hours of attendance at their Offices, the holidays kept there, and the amount of their Fees and Emoluments, as detailed by themselves, are stated in the Appendix, II. But with respect to the times of attendance, it seems that the duties of some of the Officers, both of the Court of King's Bench and of the Common Pleas, do not require the degree of attendance which is stated by the officers. And that it has probably been so detailed by them from the same persons executing more Offices than one, some of which requiring an attendance to the extent stated, has prevented a distinction being made between the hours of attendance of such different Officers; of this the Clerks of Nisi Prius in the King's Bench, and the Clerks of the Jurata, and Juries in the Court of Common Pleas, are instances.

From these statements it will appear, that the net annual receipts of the several Officers of the Court of Common Pleas above mentioned, upon an average of three years ending at the periods when the accounts were last made up respectively, were as follow;—subject to the deduction of the Property Tax, and to the allowances made to the several deputies by whom the duties of some of the offices were discharged, viz.

OFFICERS executed by DEPUTY.

The Clerk of the King's Silver, receipt 538*l.* 9*s.* 4*d.*; paid Deputy, 216*l.* 12*s.* 10*d.*

The Clerk of the Jurata on an average of two years, receipt 200*l.* 10*s.* 7*d.*; paid Deputy, 12*l.* 12*s.*

The Clerk of the Essoigns, receipt 140*l.*; paid Deputy, 70*l.*

The Clerk of the Warrants, Enrolments, and Estreats, receipt 683*l.* 16*s.*; paid Deputy, 221*l.* 19*s.* 3*d.*

The Clerk of the Juries, receipt 72*l.* 13*s.* 11*d.*; paid Deputy, 12*l.* 12*s.*

The Clerk of the Errors in the Exchequer Chamber, receipt 2,333*l.* 16*s.* 7*d.*; paid Deputy, 125*l.*

The Filacer for Surrey, Sussex and Kent, Hants and Wilts, receipt 271*l.* 4*s.*; paid Deputy, 45*l.* 4*s.*

Do. for Norfolk and Norwich, Stafford, Northampton, Salop, Rutland, and Monmouth; Lancaster, Chester and Durham, receipt 56*l.* 5*s.*; paid Deputy, 11*l.* 5*s.*

Do. for Derby, Leicester, Notts, and Warwick, receipt 30*l.*; paid Deputy, 6*l.*

Do. for Cambridge and Huntingdon, Suffolk and Lincoln, receipt 31*l.* 5*s.*; paid Deputy, 6*l.* 5*s.*

Do. for Essex and Herts, receipt 42*l.* 10*s.*; paid Deputy, 11*l.* 10*s.*

Total Receipt 4,406*l.* 10*s.* 5*d.*; total paid Deputies 739*l.* 0*s.* 1*d.*

OFFICES executed in PERSON.

	£.	*s.*	*d.*
	4,406	10	5
Three Prothonotaries, each 1,627*l.* 13*s.* 4*d.* including 225*l.* each deducted in their Return for Premiums on Life Insurance - - -	4,883	0	0
The Register and Clerk of the Supersedeas - -	7	3	4
The Filacer for London and Middlesex, Bedford, Berks, Bucks, Oxford, Cornwall, Gloucester, Hereford and Worcester, including 429*l.* 5*s.* deducted in his Return for Premium on Insurance, and Interest of Purchase Money - -	1,299	5	0
Ditto, for Somersetshire, Bristol, Dorset and Poole -	31	14	11
Ditto, for Devon and Exeter, Cumberland, Westmoreland, Northumberland, and Newcastle-upon-Tyne, Yorkshire, City of York, and Kingston-upon-Hull - -	64	10	6
Three Secondaries, including 120*l.* each deducted in their Return for Interest of Purchase Money and Premiums of Insurance - -	1,410	0	0
£.	12,102	4	2

And it further appears to your Majesty's Commissioners, that the present charge upon the Public Revenue, for the payment of the salaries of the Lord Chief Justice, and the other Judges of the Court of Common Pleas, may be considerably lessened, (such regard being had as aforesaid) if the number of Prothonotaries and Secondaries were reduced to two Prothonotaries and two Secondaries, who would be fully sufficient to transact the business of that Court, now performed by three Prothonotaries and three Secondaries, inasmuch as the business of similar offices in the Court of King's Bench, the business of which Court is much greater than that of the Court of Common Pleas, is transacted by four Officers; and if the number of Prothonotaries and Secondaries should be so reduced, as no consideration will be paid for these Offices after the sale of them shall be abolished, the two Prothonotaries and two Secondaries would, as is apprehended, be sufficiently remunerated for their additional trouble if they should respectively retain not more than two-thirds of the fees of all those Offices, and be accountable for the remainder.

And it further appears to your said Commissioners, that the offices of Filacers for the several counties may be well executed by one person, and that he would be sufficiently remunerated for executing the same by retaining a proportion of the fees of those Offices, not exceeding one half of them; and that he should be accountable for the remainder.

And it further appears to your said Commissioners, that the several Offices of Clerk of the Essoigns, Clerk of the King's silver, Clerk of the Warrants Inrolments and Estreats, Clerk of the Juries, Clerk of the Jurata, whose Office corresponds with that of Clerk of Nisi Prius in the King's Bench, and the Clerk of the Errors in the Exchequer Chamber, should be executed by the Officers themselves, of which more than one may be executed by one person, and that they should only receive a certain proportion of the fees of those offices, and be accountable for the residue.

According to the information your Majesty's Commissioners have received from the examination of the different Officers of the Court of Common Pleas above mentioned, including Principals and Deputies, the whole amount of the fees annually received, on an average of three years, ending at the period when the accounts were last made up, was 12,102*l.* 4*s.* 2*d.*

	£.	s.	d.
From which, by deducting the Fees received by one Prothonotary, being - - -	1,627	13	4
By one Secondary, being -	470	0	0
Half the Fees received by all the Filacers - - - -	913	7	2
The Fees received by the Clerk of the King's Silver, after payment of his Deputy	321	16	6
By the Clerk of the Jurata, after a like payment - - -	193	18	7
By the Clerk of the Essoigns, after a like payment - - -	70	0	0
By the Clerk of the Warrants, Inrolments, and Estreats, after a like payment - - -	461	16	9
By the Clerk of the Juries, after a like payment - - -	60	1	11
By the Clerk of the Errors in the Exchequer Chamber, after a like payment - - -	2,208	16	7
The amount of the Deduction will make a sum of -	£.6,327	10	10

By means of which deductions, after allowing such sums as may be proper to be added to what the Deputies now receive, in order that a proper remuneration may be made to the Principals who shall execute the functions of these Offices after the sale of them shall be abolished, there will remain probably a sum of not less than between 5,000*l.* and 6,000*l.* per annum, applicable to the payment of the Salaries of the Lord Chief Justice and the other Judges of the Court of Common Pleas, subject, however, to increase or diminution, as the business of the Court may vary.

It further appears to your Majesty's Commissioners, that the remuneration to be made to the Officers, both of the Court of King's Bench and Common Pleas, who shall be accountable for any part of their fees, should not be a fixed stipulated sum, but a certain proportion of the gross amount of the fees they shall receive (after deducting such sums as are payable thereout to the Judges and other officers of the said Courts, and the Stamp Duties) in order to ensure a proper attention to the discharge of their duties and the receipt of the fees, out of which proportion there should be discharged and paid the Salaries of Clerks, and other necessary expences of the said respective Offices.

As in putting the examples of the proportions of the fees which certain officers might be allowed to retain, the calculation has proceeded on a consideration of the net amount of the fees received by them, according to which only it was possible to form an opinion what sums of money might probably be applied to lessen the charge on the public revenue, it may be proper to notice, that the same proportions cannot be observed in determining what part of the gross amount of the said fees ought to be retained by those Officers, inasmuch as the amount of the salaries of Clerks, and other necessary expences to be paid by the Officers, when added to what may be a proper remuneration for their services, would not leave the same proportions of the gross amount of the fees to be retained and accounted for as in the examples above mentioned; and that in determining what may be a proper remuneration of the persons discharging the functions of those Offices or Appointments care should be taken that the proportion of fees to be retained by them on that account should not in any case be so great as to enable them, by the assistance of others, to discharge those functions without being themselves constantly and effectively attendant on their duties, otherwise their attendance may become little more than formal, and the charge on the public revenue will not be lessened in the degree in which it may be. At the same time, it appears to your Majesty's Commissioners, that the proportion of fees should be such as to induce men of character, education and ability (respect being had to the rank of such several Officers in the said Courts, and to the nature of their duties) to undertake the discharge of them; and with that view, it may be a matter proper to be considered, whether it may not be fit to provide, that no person shall be appointed to succeed on a vacancy who shall not have been for a certain number of years a practising barrister, attorney, solicitor, or officer of one of the said courts, or a clerk to such officer. But inasmuch as an increase or diminution of business may hereafter cause such proportion of fees to exceed or fall short of a proper remuneration to the said officers, it may be right that power should be given to the chief justices and judges of the said courts respectively, with the approbation of the lord high chancellor or keeper of the great seal for the time being, to increase or diminish such proportion; and that the Appointment or Nomination to all such Offices in the said Courts as are by law now saleable, and to which the persons having right of sale have hitherto nominated or appointed, should, after the sale thereof shall be abolished, be made by the Chief Justices of the said Courts respectively, or the senior puisne Judge thereof during the vacancy of the said respective Offices of Chief Justice; and that all such officers should be obliged to keep books, and make in them regular and true entries of all the fees they may receive, to be verified on oath before, and examined, signed and allowed by, one or more of the judges of the said respective courts within a certain time after the end of every term, and to pay over the balances to such persons as may be appointed to receive them.

And it further appears to your Majesty's Commissioners, that some persons who have purchased their offices in your Majesty's said Courts of King's bench and Common Pleas, have so done in the expectation of being afterwards allowed to resign them in favour of other persons to be appointed in their places, for pecuniary considerations, and were it not on account of such expectation, it is evident that after the avoidance of their offices by death or otherwise, by the persons who may be interested in the right of sale, the charge upon the public revenue on account of the salaries of the Lord Chief Justices and the other Judges of the said Courts, would, upon the extinction from time to time of the lives of the persons who should at the time of such avoidance be in possession of offices purchased by them, be lessened by the full amount of the several annual sums for which their successors may respectively be accountable; but unless the practice, which has in some instances obtained, of such officers resigning in favour of their successors for pecuniary considerations, be abolished within some certain time, it will be impossible to ascertain the period at which the full amount of the several annual sums, for which all the said officers may be accountable, can be applied to the lessening the charge on the public revenue, as while such practice shall remain, the offices may be continued for an indefinite time, to be exercised by persons who shall purchase them.

But this inconvenience has occurred to your Majesty's Commissioners as being likely to arise from the abolishing the above practice, viz. that the said officers may continue to hold their offices after they shall from age, infirmity, or other causes, become unequal to the active discharge of their duties; but, while they may under such circumstances retire from their situations, receiving a pecuniary consideration for so doing, younger and more active persons may be introduced into their places, to the benefit of your Majesty's suitors in the said Courts, as has happened on former occasions.

This inconvenience, however, may be obviated by authorizing the Chief Justices, and when those offices shall be vacant, the senior puisne judges of the said courts respectively, to appoint assistant officers to such persons as by the said courts respectively shall be deemed unequal to the perfect discharge of their duties, and to appoint a certain reasonable proportion of the fees to which such officers shall be entitled to be paid by the principals to their assistant officers; and, to induce persons properly qualified to become such assistant officers, they might be appointed to such offices with a right of succeeding the principal officers on their respective deaths, with proper provisions for the avoiding their appointments, both as assistants and principals, in case of their or any person on their behalf paying or agreeing to pay any pecuniary consideration whatsoever to any person, in order to their obtaining such appointments.

In consequence of the requisitions made by your Majesty's Commissioners as mentioned in the early part of this Report, the Master of the Rolls in Chancery, the Six Clerks, the Sworn Registers, and the Usher of the same Court, your Majesty's Coroner and Attorney in the Court of King's Bench, and the Chief Cryer of that Court, and the Secondaries to the Chirographers in the Court of Common Pleas respectively, gave to your Majesty's Commissioners the information contained in the Appendix, No. III.; but, upon adverting to the statute passed in the fifth and sixth years of the reign of the late King Edward the sixth, which prohibits the sale of any office which in anywise touches or concerns the administration of justice, with a proviso only that the said statute shall not extend to offices held by estate of inheritance, or be prejudicial or hurtful to the Chief Justices of the King's Bench or Common Pleas, or the Justices of Assize, your commissioners did not think any of the offices or appointments in the disposal of the officers last above enumerated were saleable, and have on that account forborne to make any further Report to your Majesty respecting them. All which is most humbly submitted to your Majesty's royal wisdom,

S. LAWRENCE. (L. S.)
S. LE BLANC. (L. S.)
A. CHAMBRE. (L. S.)
R. GRAHAM. (L. S.)
G. WOOD. (L. S.)
JOHN BAYLEY. (L. S.)
CHA. THOMSON. (L. S.)
WM. ALEXANDER. (L. S.)

21th May 1809.

FIRST REPORT FROM THE SELECT COMMITTEE ON SINECURE OFFICES.

THE FIRST REPORT from the SELECT COMMITTEE appointed to consider, what Offices in the United Kingdom, and in the foreign dominions of his Majesty, come within the purview of the 2d, 3d, and 4th Resolutions of the House, on the third Report from the Committee on the Public Expenditure of the United Kingdom. Ordered, by the House of Commons, to be printed, 20th June 1810.

SINECURE OFFICES.

The Resolutions referred to your Committee, are as follow:

"2.—Resolved, That in addition to the useful and effective measures already taken, by parliament, for the abolition and regulation of various Sinecure Offices and Offices executed by Deputy, it is expedient, after providing other and sufficient means for enabling his Majesty duly to recompense the faithful discharge of high and effective Civil Offices, to abolish all Offices which have Revenue without employment, and to regulate all offices which have revenue extremely disproportionate to employment; excepting only such or are connected with the personal service of his Majesty, or of his Royal Family, regard being had to the existing interests in any Offices so to be abolished or regulated."

"3.—Resolved, That it is expedient to reduce all offices, of which the effective duties are entirely or principally discharged by Deputy, to the salary and emoluments actually received for executing the business of such Offices; regard being had to any increase which may appear necessary on account of additional responsibility, and sufficient security being taken for due performance of the service in all cases of trust connected with Public Money; regard being also had to the existing interests in such office."

"4.—Resolved, That is expedient, after the expiration of any existing interest in any Office which is entitled to the sale of any appointment in any of the Courts of Law, to make provision to prevent the sale of such Offices, under such regulations as may be conducive to the public interest, by appropriating a part of the emoluments of such Offices towards defraying the salaries of the Judges, or other Officers on the establishment of such courts, or towards the benefit and dignity of the Offices in which such right of sale is now vested."

Your Committee have in consequence proceeded to consider what offices it might be expedient to suppress, or to regulate, after providing other and sufficient means for enabling his Majesty duly to recompense the faithful discharge of high and effective Civil Offices.

The Offices which come within the purview of these Resolutions are

1. Offices having revenue without employment;

2. Offices having revenue extremely disproportionate to employment; and,

3. Offices of which the effective duties are entirely or principally discharged by Deputy. [Excepting always such Offices as are connected with the personal service of his Majesty, or of his Royal Family.]

4. Offices, the appointments to which are allowed to be sold in any of the Courts of Law.

Your Committee beg leave, in the first place, to remark that, from the late period of the Session at which they were appointed, and from the impossibility of procuring the attendance of any witnesses who were not resident in town within a period so limited, they have not been able to examine the whole of the objects referred to their consideration. They have, however, deemed it to be their duty to make a Report upon so much of the matters referred to them as they have had the means of investigating.

Your Committee, under these circumstances, have thought it advisable to postpone altogether the consideration of the Saleable Offices in the Courts of Law, mentioned in the fourth Resolution; as constituting a distinct head of inquiry.

With respect to the offices referred to in the second and third Resolutions, your Committee have hitherto confined themselves to the consideration of such as are enumerated in that part of the supplement to the third Report from the Committee on the Public Expenditure of the United Kingdom, which is added in the Appendix; with a few inconsiderable additions which in the course of their investigation, have been incidently brought under their notice. They have inquired into the several offices enumerated in the Supplementary Report, so far as the shortness of time and the difficulty of obtaining satisfactory evidence has enabled them so to do.

Your Committee have to observe, that the number of offices which have revenue without any employment, either of principal or deputy, is very inconsiderable; and that by far the greatest number of offices which are commonly described as "Sinecure Offices" fall properly under the description of "Offices executed by deputy," or "Offices having revenue disproportionate to employment."

Among the offices, the revenue of which appears disproportionate to employment, or which are performed principally by deputy, there are some to which great pecuniary and official responsibility is attached; and some, from the holders of which large securities are required. It may therefore be expedient that such offices should not at any time be filled by persons less responsible than those who at present hold them.

In other cases it seems probable that the principals may, under peculiar circumstances, have provided for the discharge of their duties by deputy at a lower salary than that which might fairly be considered as an adequate remuneration for the services to be performed, and which might, indeed, be necessary to ensure the due performance of those services, should it be found expedient to withdraw the superintendence and authority of the principal.

It appears therefore to your Committee, that in some instances it might be expedient to annex the duties of such of the offices to be regulated, as have great responsibility, without requiring continual personal attendance, to other offices of an efficient nature: by which means a saving of the whole revenue of such regulated offices might accrue to the public, while sufficient provision would be made for the responsibility of the person in whom they may hereafter be vested. In other instances it might be expedient, in adopting the principle of the third Resolution, to admit of some modification of that principle according to the peculiar circumstances of the case.

Of the first description of offices, having emolument without any duties or responsibility, your Committee have only to notice the following, as those to which the principle of abolition might be applied without any qualification, excepting such as may arise out of existing interests: viz.

Chief Justice in Eyre, North of Trent, by whom no duties appear to have been lately performed either in person or by deputy.

Law Clerk in Secretary of State's Office.

Collector and Transmitter of State Papers.

Housekeeper in Excise.

Warehouse-keeper to the Stamp-Office.

Constable of the Castle of Limerick.

In Scotland the Office of Lord Justice General appears to have become a perfect Sinecure. The duty of this officer was to preside in the Court of Justiciary. For a long period this high office has been bestowed on persons who have not been brought up to the profession of the law, and the duties of it have in consequence been suspended.

Your Committee think it necessary, on this subject, to call the attention of the House to an article of the Union; wherein it is enacted, "That the Court of Justiciary do also, after the Union, and notwithstanding thereof, remain in all time ensuing within Scotland as it is now constituted, subject nevertheless to such regulations for the better administration of justice as shall be made by the parliament of Great Britain, and without prejudice of other rights of justiciary."

Your Committee have next proceeded to consider those offices which have revenue extremely disproportionate to employment; or the duties of which are principally performed by deputy: two classes, which are so intimately blended together that your Committee have judged it useless, if not impracticable, to keep them perfectly distinct.

Upon this subject, they think it necessary first to advert to those offices the duties of which are important, though requiring little personal attendance; but which, from their nature or responsibility, can only be discharged by persons of high official situation. With respect to these offices your Committee suggest the expediency of annexing them to other offices of high rank and responsibility; by which means a saving of their whole emoluments may be derived to the public.

Amongst the most important offices of this description are those of Auditor of the Exchequer, and Clerk of the Pells. It is stated to be material that these offices should be preserved as essential checks on the issue of public money; but it appears to your Committee that such offices might with great propriety be annexed to those of President of the Council, and Privy Seal for the time being; or to any other office of high responsibility which is not connected with the Treasury, or Exchequer.

The office of Master of the Mint is found in the list in the supplementary Report, which your Committee have adopted as the ground of their Report. But your Committee conceive that neither this office, nor that of one of the Joint Paymasters, which is also included in the same list, comes under that description of 'Sinecure Offices,' or Offices executed by Deputy, which is intended to be referred to their consideration. They are not offices held, either by patent or by custom, for life; nor given as the reward of public service. The question of their existence in their present or in any other state, as well as that of the amount of their emolument, would therefore be to be decided on other grounds and principles than those upon which your Committee have thought themselves called upon to offer any recommendation.

It may however be right to observe, that the division of the Office of Paymaster of the Forces does not appear to grow out of any thing in the constitution of that office; and that in point of fact, the whole duty of that office, now become very considerable, may be said to be performed exclusively by one of the joint paymasters.

The office of Master of the Mint is undoubtedly an office requiring little or no attendance, though one of occasional responsibility; but the present Master of the Mint discharges the duties of President of the Board of Trade, a situation of no emolument, and requiring constant attendance and application.

The duties of the office of Vice-president of the same board are in like manner discharged by the Treasurer of the Navy; and generally, the effective situations at this board, and others of a similar description, to which no salary or emolument is attached, have been filled by persons holding other high official situations, such as those above-mentioned; the emoluments of which would otherwise appear disproportionate to their actual employment.

This observation applies equally to the whole business of the Privy Council, which is transacted by members, who, with the single exception of the Lord President himself, are not entitled to any salary or emolument for their attendance at that board.

For the duties still performed by the Chief Justice in Eyre, South of Trent, your Committee refer to the evidence of Mr. Hanson, now, and for a long time past Secretary to that Chief Justice. The duties appear to your Committee to be of a merely formal nature, which, so far as the continued performance of them is essential to the preservation of any of the rights of the Crown, might, in the opinion of your Committee, without inconvenience be transferred to some other efficient office; such as that of Surveyor of the Woods and Forests.

The government of the Isle of Wight appears not to be of a military nature. A part of the functions of the Governor are similar to those of the Lords Lieutenants of Counties, and like them might be discharged without emolument; the other functions appear to be performed by deputy; but with respect to this office, your Committee have not yet been able to obtain sufficiently detailed information.

Your Committee have next proceeded to examine, so far as their time and means of information would permit, the more numerous class of offices, which, being performed entirely or principally by deputy, appear to them to come more immediately within the purview of the third Resolution.

Of this description your Committee have to notice the following offices:

In the Court of Exchequer: Clerk of the Pipe, Comptroller of the Pipe, Clerk of Exchequer Pleas, Clerk of Foreign Estreats, Comptroller of First Fruits, The Chirographers, Foreign Apposer, King's Remembrancer, together with which is held the Office of Register of Deeds in Middlesex, Marshal of the Exchequer, Surveyor of Green Wax.

Register of High Court of Admiralty,

Register of the High Court of Appeals for Prizes,

Register of High Court of Delegates.

In the Alienation Office: Three Commissioners, Receiver General, Master in Chancery, two Clerks.

The duties of the four Tellers of the Exchequer are performed altogether by their Deputies; and as to their responsibility for the custody of public money, your Committee observe, that the same amount of security which is required from the Tellers is usually given to them by their Deputies; from which your Committee are led to infer, that, both with respect to their duties, and to their responsibility, these offices might be safely reduced to the present emoluments of the deputies.

The Office of Clerk of the Parliaments is performed almost wholly by deputy; and is one of those which would come within the purview of the third resolution. On the subject of this office, however, your Committee think it necessary especially to represent, that the Clerk of Parliament, though appointed by the crown, is a servant of the House of Lords.

In the Mint, your Committee have to notice the following offices: Warden, Comptroller, Surveyor of Meltings, and Clerk of the Irons.

In the Privy-Seal Office: The four principal Clerks.

Four Clerks in the Signet Office.

In the Excise: The Comptroller General of Accounts, Inspector General of Inland Duties, Register to Commissioners of Excise.

Your Committee, having adverted to the Offices performed by Deputy in the Colonies, think it necessary to observe that their emoluments arise from fees and salaries paid within the Colonies. Your Committee have further to observe, that notwithstanding an act passed in the 22d year of his present Majesty's reign, c. 75, the object of which was to enforce residence in the principals, many of these offices continue to be executed wholly by deputy. That act contains a clause empowering the Governors of Colonies to give such leave of absence as they shall see occasion to give. But that power appears to have been exercised to so great an extent as to frustrate what must no doubt have been the true intention of the legislature.

Your Committee have ascertained the following to be of that description:

Secretary and Clerk of Inrolments in the Island of Jamaica, Register of Chancery in ditto, Receiver General in ditto, Clerk of the Crown Courts in ditto, Naval

Officer in ditto, Secretary and Clerk of the Courts in Barbadoes, Prothonotary of the Court of Common Pleas in ditto, Provost Marshal in ditto, Naval Officer of Curaçoa, Secretary of Tobago, Naval Officer of Demerara.

In Scotland, it appears to your Committee that the following offices come within the purview of the third Resolution, as being wholly or principally discharged by deputy. The existence of many of these ancient offices appears to be secured to Scotland by the act of Union; but it is also provided in that act, that they shall be subject to such regulations as the parliament of Great Britain shall hereafter make:—

The Keeper of the Great Seal, The Keeper of the Privy Seal, The Keeper of the Signet, Lord Register, Director of the Court of Chancery, Clerk to ditto, Receiver of Bishops Rents, and King's Remembrancer in the Court of Exchequer.

In Ireland, the following Offices appear to your Committee to come within the purview of the same Resolution:—

Chief Remembrancer of the King's Bench, Clerk of the Pipe, Clerk of Common Pleas Office, Court of Exchequer, Prothonotary of Common Pleas, Prothonotary of King's Bench, Crown Office, King's Bench, Filazer's Office, and Keeper of Declarations King's Bench, Teller of the Exchequer, Keeper of Privy Seal, Keeper of Records, Two Joint Muster-Masters General.

Your Committee have not been able to extend their inquiry to many other offices in the United Kingdom, and the Colonies, enumerated in the supplement to the third Report. With respect, however, to some which are included in that Report, and which have not been already adverted to, they think it necessary to submit the following observations.

The inconsiderable Office of Cartaker to his Majesty, is connected with the personal service of the Royal Family, and consequently does not fall under the cognizance of your Committee.

The Office of Keeper of Records in the receipt of the Exchequer, appears to be an efficient office of trust, and not overpaid by a salary of 400*l.* per annum.

The places of Office Keeper in the War Office, and of Register of Seizures in the port of London, are to be suppressed after the decease or resignation of the present officers.

The Auditor of Excise has been rendered an efficient office. The office of Register to the Commissioners of Salt Duties has been already abolished: the salary now paid is in the nature of a compensation.

The Receiver of Stamps appears to be a necessary and responsible officer, and his emoluments not more than adequate.

The Distributors of Stamps are effective officers. The Distributors for Buckinghamshire and Kent are equally so with the rest; they have been inserted in the list of offices executed by deputy in consequence of an indulgence which is confined to the present officers.

It appears by the evidence that the office of Accountant General of the Post Office is an efficient office, requiring personal attendance, with responsibility; and that the emoluments of this office will not admit of reduction. The office of the Apothecary General has been under the consideration of the Treasury; and by an agreement concluded with him his patent is to be surrendered on condition of receiving an annuity of 2,500*l.* a year for life: an agreement which appears to your Committee to be eminently beneficial to the public.

In Ireland, the allowance paid to the Keeper of the late Parliament House appears to be a compensation for an office already suppressed. The office of Joint Solicitor of Ireland in Great Britain is also abolished, as well as that of Examiner of Hearth Money: and the offices of Clerk of the Quit Rents, Treasurer of the Post Office, and Accountant General of the Post Office, have been made efficient. The fees, which under the head of Muster Master General of Ireland, are stated to be "due, but suspended," are in fact abolished.

Your Committee will conclude their Report, by bringing distinctly before the House, the result of their examination into such of the offices, stated by the Committee on Public Expenditure to be Sinecures, or Offices wholly or chiefly executed by deputy, as they have since their appointment had time or opportunity to investigate, which in their opinion came within the purview of the 2d and 3d Resolutions referred to them.

After parliament shall have provided such other sufficient means for enabling his Majesty duly to recompense the faithful discharge of high and effective Civil Offices, as to the wisdom of parliament shall seem fit,—Your Committee are of opinion,

1st.—That the following offices, "having revenue without employment," might, at the expiration of the existing interests, be abolished :

	Value per Annum.
Chief Justice in Eyre North of Trent	£.1,730
Law Clerk in Secretary of State's Office, Home Department	300
Collector and Transmitter of State Papers, Foreign Department	500
Constable of the Castle of Limerick, Ireland	753
Not reported by Committee of Public Expenditure.	
Principal Housekeeper in the Excise Office	145
Warehouse-keeper, Stamp Office	200
	£.3,628

2dly. That the following offices might continue at the expiration of the existing interests to be managed by the deputy, as at present, without any addition to his salary and emoluments; but that from the peculiar nature of the responsibility attached to them, however limited the actual duties to be performed, these offices would, in the opinion of the Committee, be most conveniently filled by some of those persons who hold for the time being certain high official situations, leaving the annual amount now paid to the principal at the disposal of parliament :

	Value per Annum.
Auditor of the Exchequer	£.4,000
Clerk of the Pells	3,000
Chief Justice in Eyre South of Trent	1,969
	£.8969

3dly. That the following offices would admit of being left, after the expiration of the existing interests, altogether under the management of the Deputy, without any addition to his present salary and emoluments. The emoluments now received by the principal being placed at the disposal of parliament.

	Annual Amount received by The Deputy.	The Principal.
Comptroller of the Pipe, Exchequer	£.160	£.160
Chirographer's Court, Common Pleas	120	400
Clerk of the Exchequer of Pleas	663	663
King's Remembrancer, Exchequer	1,500	991
Registrar of the high Court of Appeals	⅓d of Profits payable to the Principal.	12,558
Do. of Delegates		
Do. of Admiralty		
Clerk of the Parliaments on average 7 years	3,617	4,946
Principal Clerk Signet Office	110	260
Do. Do. Do.	110	260
Do. Do. Do.	110	260
Do. Do. Do.	110	260
Comptroller General of Accounts Excise	508	446
Inspector General Do.	70	292
Teller of the Exchequer	1,000	2,700
Do. Do.	1,000	2,700
Do. Do. as limited after Life of present possessor	1,000	2,700
Do. Do. Do.	1,000	2,700
Chief Remembrancer Exchequer, Ireland	507	3,694
Clerk of the Common Pleas, Exchequer Do.	uncertain	8,259
Prothonotary Common Pleas, Ireland, on an average of three years	1,906	9,530
Prothonotary King's Bench, Ireland, on an average of three years	⅓d of Total Fees for self and Clerks.	8,904
Crown Office Do. Do.		
Filazer Do. Do.		
Keeper of the Privy Seal, Ireland	130	1,300
Muster-Master-General, Do.	uncertain	4,000
		£. 68,983

4thly. That, the following offices would admit of being brought, at the expiration of the existing interests, entirely under the management of the Deputy as now constituted : but that the degree of responsibility, or trouble attending the discharge of the whole duties, would entitle the deputy to an increase of the salary to be hereafter settled, which renders the amount of ultimate saving to the public uncertain :

	Value per Annum. Deputy.	Principal.
Clerk of the Pipe, Exchequer	£. 100	£. 720
Foreign Apposer, Do.		160
Marshall Do.	20	150
Surveyor Green Wax, Do.	1s. in the £.	94
Alienation Office :		
Commissioner	59	116
Ditto	50	107
Ditto	50	107
Receiver-General	170	281
Master in Chancery	10. 10s.	106
Clerk	10	88
Ditto	31. 10s.	133
Warden of the Mint	66	365

Comptroller Do.	£.66	£.267
Surveyor Meltings Do.	28	103
Principal Clerk, Privy Seal	½	200
Do. Do.		200
Do. Do.		200
Do. Do.		200
Register to Commissioners of Excise, self and Clerk	210	400
Comptroller First Fruits	25	96
Teller of Exchequer (Ireland)		2,000
Clerk of the Pipe (Ireland)		750
Add, not reported by Committee of Public Expenditure, Register of Deeds for County of Middlesex	50	250
		£. 7,093

Under this head may be classed the offices wholly or chiefly executed by deputy in Scotland; of these, some must be retained by the provisions of the act of Union, although subjected by the same act to be regulated by parliament. What the ultimate saving would be after such regulations as may be thought expedient, is uncertain.

		£. 7,023
Keeper of the Great Seal		2,441
Keeper of the Privy Seal		2,758
Keeper of the Signet		2,717
Lord Register	500	2,000
Director of Court of Chancery	65	1,335
Clerk to Do.	¼th of the Fees	779
King's Remembrancer	550	
Receiver of Bishops Rents	175	370
		19,955

With respect to offices in the colonies, where the deputy receives the whole emoluments, paying to the principal, by agreement, a fixed annual sum, and giving security for the same, as well as for the faithful execution of the office abroad. Your Committee report, That the persons in Great Britain holding those offices enjoy perfect sinecures; but that the income of them arising altogether from fees payable in the colonies, it does not appear to your Committee that any sums would be placed at the disposal of parliament by regulating or abolishing them; they afford to the crown a very considerable patronage as at present constituted; but do not seem easily capable of being brought within the reach of any economical arrangements in aid of the resources of the empire at home. This class of officers is very numerous, but your Committee have only had time or opportunity to report upon the following; viz.

	Value per Annum.
JAMAICA.	
Secretary and Clerk of the Inrolments	£.2,500
Register in Chancery	1,052
Receiver General	2,000
Clerk of the Crown	2,500
Naval Officer	1,500
BARBADOES.	
Secretary and Clerk of the Courts	716
Provost Marshal	500
Naval Officer of Curaçoa	400
Secretary of the Island of Tobago	400
Naval Officer of Demerara	250
	£. 11,818

ABSTRACT.

1st Head	£. 3,628	
2d	8,969	
3d	68,983	
		81,580
4th	19,955	
5th	11,818	

The sum of 81,580*l.* being the amount of savings under the 1st, 2d, and 3d head of the foregoing abstract, would therefore accrue to the public in proportion as the several offices enumerated under those heads might fall in. And this sum together with whatever saving might accrue from regulations under the 4th head, would be to be placed against the expence of any fund which parliament shall have instituted in pursuance of the Resolution of the House "for enabling his Majesty duly to recompense the faithful discharge of high and effective civil offices."

20th June 1810.

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